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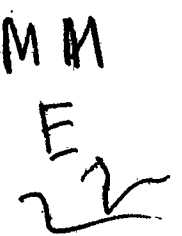


GLEANINGS OF PAST YEARS,

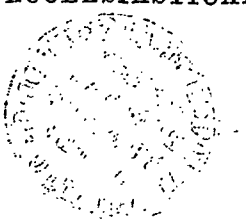
1843–78.

BY THE RIGHT HON.

W. E. GLADSTONE, M.P.

VOL. VI.

ECCLESIASTICAL.



LONDON:
JOHN MURRAY, ALBEMARLE STREET.
1879.

GLEANINGS OF PAST YEARS,

1851–75.

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ECCLESIASTICAL.

VOL. II.

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I.

ON THE FUNCTIONS OF LAYMEN IN THE CHURCH.*

1851.

A LETTER TO THE RIGHT REV. WILLIAM SKINNER, D.D., BISHOP OF ABERDEEN, AND PRIMUS.

RIGHT REVEREND AND DEAR SIR,

1. THE times in which we live add greatly to the cares and responsibilities of the Fathers of the Church, most of all if they are set and determined, as their office requires, upon facing unbelief in its insidious beginnings, and upon a jealous watch and ward for the precious deposit committed to their charge. But they seem, herewith, to present this peculiar feature, that, as in civil, so in spiritual matters, they tend to devolve upon the governed a portion of the work of government. It is that tendency, when working without method or control, that makes the period revolutionary; but which, when kept within due bounds, and trained to act according to stable and well-adjusted laws, seems capable of being so used as to give increased vigour to legitimate authority, along with increased scope for reasonable freedom. On this account, and from the experimental evidence afforded by the recent history of several States, it would seem that what is called a constitutional system, though not

* Printed, at the desire of the Scottish Bishops, in 1852. Reprinted in 1869.

always easy to realise, is, when it can be attained, for the present period of human destinies, the great Providential instrument for effective resistance to anarchical designs.

2. But the Church may, it is probable, have a double danger to encounter. In common with States, she has to fear the consequences, which may be wrought upon her established order by an unregulated appetite among her own members for the exercise of power. But she has in some countries a further danger to apprehend, from the side of the State itself: the exercise, namely, of State influence and of State power, not only by way of due check and control over her movements, but by way of assuming (whether professedly or not is not now the question, and, if it is to be at all, it were far better that it should be professedly) the privilege or function of ultimately deciding both her doctrine and her discipline.

3. I do not indeed say that this is a fact already palpable to all. On the contrary, many are still blind to it: so blind, that they recklessly precipitate the danger: so blind, that we have only to wish their day of vision may not come too late. But I speak of it as a fact plain enough to those who watch for the signs of the times, and who, in the moral hemisphere, can portend foul weather when "the sky is red and lowering."

4. Now this assumption may make its advances in more ways than one. It may be under direct legislative provisions. It may be through the exercise of patronage and what is termed the power of the purse. It may be, and that almost *ex necessitate rei*, through the administration of the judicial office. The first of these modes must be mainly applicable to an Established religion; and has no application worth naming to that Episcopal Communion over which you, Right Reverend Sir, and your Brethren,

preside with the universal reverence of its members. Neither is the second felt, if it be understood with regard to secular influence from the State, as contra-distinguished from other secular influences. But from the third you neither are nor can you be exempt. The mere establishment by law of religious freedom, it should be well recollected by all, but especially by the members of unestablished communities, cannot of itself secure their liberty of conscience from practical invasion and curtailment by the judicial power. As bodies, they must have rules. As bodies of human beings, they must occasionally have refractory or dissentient members, perhaps dishonestly seeking to evade the operation of those rules, perhaps honestly but erroneously, nay, perhaps in given cases, both honestly and correctly, desirous to fix upon them a construction different from that attached to them by the general sense of the religious community to which they belong. And lastly, as bodies regularly organised, they must usually have paid officers, and very commonly also purchasable privileges; so that the sheer laws of their existence necessarily carry us to a point where spiritual rights come to intermix with temporal. When, therefore, any minority, or any individuals, go into a Court, and raise there a question relating to these paid offices or endowments, or these purchasable privileges, they raise a question of temporal and civil rights, which does not cease to be such because some other question of spiritual rights runs upon a parallel line with it. And I apprehend it will be found very difficult so to frame the contracts (for such are our Canons, and the rules of other unestablished bodies) between the members of a religious society, as to exonerate the Courts from the duty of entertaining, indirectly indeed, but in supposable cases most substantially,

questions upon the vital construction of our ecclesiastical laws. Not perhaps with the same frequency, or the same directness, or the same breadth of scope, as in the case of an Established Church; but yet sufficiently to remind us that, if we wish to be wholly free from meddling, we must not rely implicitly on any written document, but must have arms in our hands for self-defence.

5. The very last imputation I should think of casting on the time-honoured Courts of this country would be that of a *desire* to trespass upon the sphere of religious liberty. It is their conscientiousness, not their want of conscience, which has led, and may again lead, them into it. In the celebrated case of Lady Hewley's charity, Sir Lancelot Shadwell, the late highly respected Vice-Chancellor of England, delivered from the bench something very like a dogmatic treatise, and concluded with a judgment that alienated dissenting endowments from purposes to which they had theretofore been applied, upon grounds avowedly dogmatic. Now, though, as I have said, there may be no undue disposition to enter the sphere of religion and of the rights of conscience, and though, when a judge has entered it, there will be no conscious deviation from strict equity, yet I for one frankly own that I view the temporal judge, when he has once got there, with the greatest jealousy. I am jealous, partly because he has to try a subject-matter with which he is not competently acquainted, while his lack of competence is not supplied by fixed rules of reference to experts, as it sometimes is when non-legal issues are indirectly raised. And, further, because in countries where, as in Scotland, there is an established religion, whose laws have a thousand points of contact with those of the State, a habit of mind may very naturally, nay, must ordinarily, be formed more or less in

judges, which may lead them, unconsciously to themselves, to make the ideas belonging to the State religion the measure and standard for the corresponding subjects in other systems, and to claim more than properly belongs to them, upon occasions when they have to deal with the interpretation of the canons or rules of an unestablished community.

6. Ecclesiastical discipline, together with theology, representing organised and historic systems, are full of technical terms, which are to be learned only like the technical terms of other sciences or arts. And lawyers have no greater inborn or spontaneous knowledge of these terms, than they have of the differential calculus. Neither have they, in virtue of their being lawyers, the theological habit of mind, without which these technical terms are in many cases ill to be apprehended. We may frequently observe that, when they get into people's mouths, they are, because misunderstood, only instruments of delusion to those who use and those who hear them. For example, many men, and even occasionally a judge or two, will talk about an *opus operatum*, meaning thereby a perfunctory or ceremonial act; a sense, I need not say, absolutely different from the true one. In short, Right Reverend Sir, to lay aside circumlocution, and utter outright the word which solicits me, there is great fear lest judges, dragged *pro re natâ* into theology, should, and of course to the detriment of somebody or other, talk nonsense.

7. Now, this danger is not of the fatal kind to us, of which it would be, if any such judgment of the civil courts involved an obligation upon conscience beyond the limit of the temporalities concerned. Up to that limit of course they do, even for a voluntary society, involve such

an obligation; but when they pass beyond it, they are waste-paper. Yet still this is a danger that might lead to very formidable evils; a danger (which is my present point) that ought to be guarded against. Perhaps we are not justified in excluding wholly from our view the further fact, that more direct interference with your religious freedom, which is also ours, may not be wholly out of the question; inasmuch as, during the present year, your Reverences have rather narrowly escaped the proscription by statute of your regular, and your only regular, ecclesiastical designations. True, this was owing to singular and unexampled causes; but yet, what has happened may, as a general rule, happen again.

8. Mere law, then, as I have said, is not of itself a sufficient guarantee for religious freedom. But God forbid I should underrate its importance. The time has been when, as I think, it was the duty of a good citizen to look with utter aversion on whatever seemed to impair strictness of religious character and profession in the State. With that religious character, consistently and rigidly maintained, it is hard, as we must admit, to reconcile full liberty of conscience; but in maintaining it, for the times of which I speak, the greater good was preserved, and the lesser sacrificed. It is not so now. It is now so utter an impossibility to uphold a consistent religious profession in the State, that we must be satisfied with an inconsistent one; and thankful, if it do not shock the common reason and sense of justice planted in mankind, by affecting a bastard and deceptive consistency. I am jealous of all attempts at consistency in this matter, most of all because I am convinced that they would and must result in the greatest of civil calamities; the mutilation, under the seal of civil authority, of the Christian religion itself. The

garment will not fit the wearer; and if it is to be put on, as his figure cannot change to suit it, it therefore must change to suit him; must stretch here, and draggle there, and tear everywhere. If such would be the necessary result of aiming at consistency, we may well be content to forego the effort for attaining it.

9. But then this inconsistency of profession, being radical and systematic, palpably and greatly alters the qualifications and authority of the State in respect to religion; and reduces it more and more to the character, although employed *circa sacra*, of a temporal agency and influence. The great, all-conquering wave of Christianity may indeed be receding from the summits of society, which it took centuries to reach. We have now had before us for many years the undeniable and singular fact that, while the tone and amount of personal religion have been rising in general society, the religious character of the State, as such, has progressively declined. But the provision made by the Almighty for the everlasting maintenance of His truth can never fail, if and where His Church is true to herself. What, then, we (I mean the members of all independent religious bodies, in which capacity only, and as one connected with Scotland, I now write) have to desire, is, generally to be let alone, and specially not to be put upon the bed of Procrustes, a mode of accommodation by no means out of favour in some quarters.

10. The duties of Christian and citizen now, as ever, coincide. The religious peace which the latter must desire, can only be had by the maintenance of the religious freedom, which nothing should induce us to compromise. I do not indeed think that our religious freedom in Scotland is impaired by a cordial and thorough observance of

the legal rights and privileges of the Church Establishment. I say frankly, I view those privileges as constituting no infringement whatever of what is essential in religious freedom. That cordial observance I trust we are all prepared to pay. But, on the other hand, I am sure the clergy and members of the Establishment generally are too wise to follow the ridiculous example set by a handful among them, who last year* petitioned Parliament to proscribe the appellations belonging to our Diocesan Episcopacy.

11. Against all such encroachments I for one will steadily set my face, and will labour to the uttermost, whether it be ostensibly on our own behalf or on behalf of others, whether for the sake of common justice, or of religious peace, or of Divine truth itself, to assert the principle, vital to us all, of a full religious freedom. That principle, I contend, when the State has ceased to bear a definite and full religious character, it is no less our interest than our duty to maintain. Away with the servile doctrine, that religion cannot live but by the aid of Parliaments. That aid is a greater or a lesser good, according to circumstances; but conditions are also supposable, under which it would be a great evil. The security of religion lies, first in the Providence of God and the promise of Christ: next in the religious character, and strong sentiment of personal duty and responsibility, so deeply graven on this country and its people. But if that character and sentiment be the mainstay of our reliance here on earth, our first duty must be to see that full scope is given to it; that the development of conscientious

* [On the occasion of the ill-starred Ecclesiastical Titles Bill.—W. E. G., 1878.]

convictions, in whatever quarter, is not artificially impeded by legislative meddling; that however wary and patient we may be as to any question of moving forwards, above all we be careful not to move backwards, nor for one moment acquiesce in any kind of tampering with the existing liberty of conscience in the persons either of ourselves or of others.

12. But if, as I have thus far striven to show, the simple assertion of this freedom by law, positively or negatively, be not of itself, especially in a country having a national establishment of religion, enough for the reasonable security of conscience, the question arises, by what further and other means can it be defended? I answer, by the creation of a vigorous and watchful public opinion, both in the different religious communions and among the people at large, in its favour.

Now this public opinion, so far as it is extrinsic to the religious bodies themselves, will thrive in proportion as it shall be seen, by the community at large, that the energies of these bodies are effectively exerted for the promotion of social peace, order, and morality. The next inquiry, then, must obviously be, how are they to make themselves conducive to these purposes in the highest attainable degree? My answer is, by the full and free development of their energies from within: that full and free development, which can only be realised through a regular constitutional organisation.

13. Nor let it be apprehended that this organisation, and this increase of spiritual vitality and strength, will be regarded with jealousy even by the most ardent among the rational and consistent lovers of civil freedom. This good, at least, our religious divisions have brought to us, along with their many evils, that, where they prevail so

extensively as among us, no fears need be entertained of the effective or general use of ecclesiastical influences in a manner hostile to public liberty. I say public liberty, because that private and inward freedom which depends upon the will, no laws can uphold where the will itself fails or flags in its office; and law ought not to aim at defending individuals against the faulty working of systems which are not under the cognisance of law, but which they have themselves chosen and contrived, or to which they have voluntarily attached themselves.

14. The time has been, when the power of the Church was so great and unruly, that it threatened to absorb the co-ordinate and independent power of civil authority. But, in order to carry on such a struggle with a prospect of success, the Church must be, if not wholly, yet nearly coextensive with the State. Where the nation is split, as in Scotland, into so very great a variety of religious communions, with no one of them absolutely preponderating in numbers and influence, we have, I should say, much more than the needful assurances, that no such danger can recur; unless, indeed, by its encroachments on religious freedom in general, the State should compel all sects and churches, that value their respective liberties, to unite against a common danger.

15. Plenary religious freedom, on the other hand, brings out into full vigour, and also into fair and impartial rivalry, the internal energies of each communion, so that they stand simply upon their merits before the world. Should any one of them attempt to trespass on the civil power, all the rest will combine with that power against it. And while freedom of conscience, impartially granted to a variety of communions, is thus the best security against collisions between civil and spiritual authority,

it likewise directly serves the social purposes for which States exist. For these diverse, and to a considerable extent competing, bodies do in many ways, through the Divine mercy constraining evil to be the minister of good, provoke one another to love and to good works, and are, generally speaking, effective, in something near the ratio of the free development of their energies, towards the maintenance of order and of external or public morality.

16. In proof of the soundness of this reasoning, I would appeal to the United States of America. There surely, of all countries in the Christian world, the peril of encroachment by ecclesiastical on civil authority is the least. And there, also, religious freedom is the most full and unrestrained, and the most universally and dearly valued, both by those who deem it an indispensable safeguard to the revelation of the Gospel, and by those who witness the effect which, at least for a country where it has started with a clear and open field, it produces, in keeping the peace between Church and State, and in applying the energies of all communions in the manner most favourable to the elementary purposes of civil society. I quote this case only to show, that full religious freedom, while it is the object to which, of all in the political hemisphere, an unestablished body of Christians must naturally look with the most profound interest, is likewise highly beneficial to public order and morality, and need entail no danger whatever to political harmony and the well-being of the State. Let a Minister adopt this for the principle of his ecclesiastical police; to deal liberally with religious communities, and give them all fair play; and to let them stand sentry upon one another. The laws will be all the more respected, the peace all the better kept.

17. We have reached, then, this point in the argument,

that, in a country like Scotland, where religious influence and profession are so much divided, a thorough and regular organisation for ecclesiastical purposes, being among the legitimate means of raising to its maximum the proper activity of the several religious communions, will likewise be a means of enlisting public opinion, so far as it is extrinsic to religious bodies, in favour of their freedom.

18. But the remaining part, and a very important part, of the public opinion of the country, is that which may be called the public opinion of religious bodies themselves: the opinion of those who are either primarily, or at least definitely and deeply interested in their welfare, and who act with a direct and systematic view to it. Now this portion of public opinion is already in favour of religious freedom in a very great and an evidently growing degree: and this among all bodies of Scottish religionists, although with various distinctions of amount and kind. But I may observe that in one point we all are pretty much agreed; we are all, without any exception whatever, in favour of religious freedom for ourselves. Even those, who would seat the civil power upon the altar of God, are so minded because there is nothing in their views of doctrine or of discipline, with which they think the State is likely to interfere. But when I speak of a lover of religious freedom, I mean one who, desiring the full enjoyment of it for his own communion, is not willing only, but anxious, as he prizes the sacred principle of justice, to accord to all other religious bodies precisely the same measure; and to guard all alike against secular interference in their concerns, so long as they do not trespass upon the sphere of secular affairs.

19. In this sense of religious freedom, it is certainly a principle still but imperfectly apprehended; a principle

more imperfectly apprehended, more darkened by selfishness and sophistry now, than it was fifteen months ago. But its future progress is absolutely certain. For as every class is now with increasing boldness asking the boon on its own behalf, only a little time and experience are requisite to show to each that in religion, just as in matters of civil interest, what he wants to get or keep himself, he must be ready to confer or defend, on the same terms, for others. As with property, so with religious freedom: the rights of each man are the rights of his neighbour; he that defends one is the defender of all; and he that trespasses on one assails all. And in these matters the mass of the community will judge fairly, when once the facts are fairly before them, however they may require time to clear their view of the case, or however they may occasionally tread awry. Given, I say, these two conditions: first, the principle of civil equality before the law, and secondly, the general desire in each man for his own religious freedom; and then the ultimate recognition of such freedom for all is as secure, as the maintenance of such equality.

20. But what I further humbly propound is, that, while the progress of the desire for religious freedom within our religious communities is a certainty, those will most fully profit by its advantages who shall have learned its lessons earliest; and those best neutralise its hazards, who shall have accepted it with cordiality and grace. My earnest desire then is, that we should be early learners in that school. It is on that subject, and with that view, that I now lay my thoughts before your Reverence.

But assuredly the true mode of learning freedom is by its practice. Not by a transition from one violent extreme to another, but by the careful use and the steady extension

of such machinery and means as we possess, in the direction of the purposes we have in view.

21. What I have hitherto said has been upon grounds, and in language, common I think to the members of all religious communities indiscriminately, other than those established by law. I come now to speak as a member of a particular religious body, and in the phraseology which belongs to it.

I venture to represent to your Reverence, and to your right Reverend and highly esteemed Brethren of the Episcopal College, that the means of extension and progress in this matter are possessed in a high degree by the Episcopal communion of Scotland. It is not practically galled, at least within Scotland, by the smallest legislative restraint. It is in no way mixed up with political party. It lives upon terms of perfect good will with its numerous and variegated neighbours. It has a ruling body strong in the respect and attachment of its members, strong in historical descent, strong in the remembrance of a long period of depression and proscription not ignobly borne, strong (I waive descanting on personal qualities) above all in the conviction of the society that those, who bear rule within its pale, bear rule according to the Word of Christ and the tradition of the Apostles. It has the profession, and some at least of the practice, of Church discipline. It honestly professes, and to a great degree realises and enjoys, unity of belief on all the Articles of the Christian Faith. It is in a state of steady expansion, and where it strikes its roots, appears to strike them deeply and securely.

22. It has escaped the painful and scandalous differences and controversies upon matters of belief, which have so sorely torn the Church of England; which have been

attended (wherever the blame may lie) with the loss of many able and learned, and, what is more, of many most zealous and devout men from among her clergy and her members; and which, under the handling they have received within these last four or five years, have become progressively more menacing and angry. These controversies, I say, it has escaped; and the small portion of discord or dispute, that has found its way here, would seem to have been imported from beyond the border. Discussions without doubt we have had among those of our own body, but commonly upon matters of minor moment; or if upon matters of moment, yet the dispute has involved their form and order, rather than their essence. Of course I do not apply the name of a dispute to the exercise of legitimate authority, which has severed the link of communion between our Church and some few gentlemen who were once her ministers, but found themselves unable to acquiesce in her laws.

23. But there yet remains to be noticed the advantage most relevant of all to the present purpose. We have already a system of Church government in action, and the only question can be, whether we should have an extension of its basis, effected through the free choice, and the spontaneous boon, of those in whom it now resides. It is not required to create, but only to enlarge, and the field, in which the enlargement is to be made, is a clear and open field.

24. Miserable indeed would be the prospect of the coming times, if we believed that authority and freedom were simply conflicting and contradictory elements in the constitution of a community, so that whatever is given to the one must be deducted from the other. But no Briton, who has devoted any portion of his thoughts to the history

of his country, or the character of its inhabitants, can for a moment be ensnared into that, for him, false and degrading belief. It has been providentially allotted to this favoured isle that it should show to all the world, how freedom and authority, in their due and wise developments, not only may coexist in the same body, but may, instead of impairing, sustain and strengthen one another. Among Britons, it is the extent and security of freedom which renders it safe to entrust large powers to Government, and it is the very largeness of those powers and the vigour of their exercise, which constitute, to each individual of the community, the great practical safeguard of his liberties in return. The free expression of opinion, as our experience has taught us, is the safety-valve of passion. That noise of the rushing steam, when it escapes, alarms the timid; but it is the sign that we are safe. The concession of reasonable privilege anticipates the growth of furious appetite.

25. Regularity, combination, and order, especially when joined with publicity, have of themselves a marvellous virtue; they tend to subordinate the individual to the mass, they enlarge by healthy exercise the better and nobler parts of our nature, and depress the poorer and meaner; they make man more a creature of habits, and less of mere impulse; they weaken the relative influence of the present, by strengthening his hold upon the future and the past, and their hold upon him. By gathering, too, into organised forms the various influences that bear sway in a mixed community, and leaving them to work within prescribed channels, those which are good acquire the multiplied strength of union, while the bad neutralise one another by reciprocal elimination. It is a great and noble secret, that of constitutional freedom, which has

given to us the largest liberties, with the steadiest throne, and the most vigorous executive, in Christendom. I confess to my strong faith in the virtue of this principle. I have lived now for many years in the midst of the hottest and noisiest of its workshops, and have seen that amidst the clatter and the din a ceaseless labour is going on; stubborn matter is reduced to obedience, and the brute powers of society, like the fire, air, water, and mineral of nature, are with clamour indeed, but also with might, educated and shaped into the most refined and regular forms of usefulness for man. I am deeply convinced, that among us all systems, whether religious or political, which rest on a principle of absolutism, must of necessity be, not indeed tyrannical, but feeble and ineffective systems; and that methodically to enlist the members of a community, with due regard to their several capacities, in the performance of its public duties, is the way to make that community powerful and healthful, to give a firm seat to its rulers, and to engender a warm and intelligent devotion in those beneath their sway.

26. Can it be thought that this, being true of civil, is false in regard to ecclesiastical affairs? To my mind there could be no more monstrous paradox, than such a proposition would involve. It seems to suppose that the office of Christianity is not to regulate, but to derange and overset the structure, and to reverse the processes, of human nature, or to place its powers in abeyance. There are, indeed, systems of theology, which might prepare us for eliminating in one way or another from that nature the fundamental element of its freedom; but they are systems which on that account you, Right Reverend Father, would regard as dangerous, or even as heretical. Now what I cannot well conceive is this: how it can be

maintained, not only that man is metaphysically free, but likewise that each person ought in his spiritual concerns to hold the reins over his own being and conduct, and yet denied that the lay community of the Church ought to have defined and recognised functions in relation to her government. The habits of freedom and self-direction, formed in the sphere of the personal life, will not well brook total and systematic exclusion from the exercise of public influence in the Church: and the result of such an arrangement has too often been, as, indeed, were it not for the all-powerful corrective influence of our religion, it would ever be, either unappeasable turbulence, or immovable supineness and indifference.

27. The prevailing policy of the Church of Rome is more consistent. That policy is indeed proverbially most jealous of admitting laymen to any share in ecclesiastical functions; but then it begins at the beginning, and takes away from the individual (if he will suffer this to be done) the decision in the last resort upon his own moral conduct, not only by rendering his access to the Holy Sacraments dependent under all circumstances on the will of the priest, but by the modern and very remarkable and ominous development of her discipline, in the form of what *is* called Direction.

28. But I understand the Reformation, such as you receive it, to have re-established a most important ethical and social principle, in throwing upon each individual Christian the weighty responsibility of being, except in the case of open and palpable offences of whatever kind, his own spiritual director, and himself the sole judge of his own need for help in that kind. Now I do not believe that those who, in the sixteenth and seventeenth centuries, gave statutory form to the religious changes in

England, intended or did anything so absurd, as to emancipate the lay community of the Church in respect to their personal action, and then utterly to exclude them, as a lay community, from any regular share in the management of Church affairs, any liberty of assenting to, or dissenting from, the laws ecclesiastical by which they were to be governed. No course could have tended so powerfully as one of this kind to the ultimate disorganisation of the body. But the sanction of Parliament to the laws ecclesiastical was, both historically and constitutionally, the assent of the laity to those laws. I speak here of England rather than of Scotland, where the relations of Church and State remained, from the middle of the sixteenth century down even to the last years of Anne and the Act of Patronages, in almost constant vicissitude, convulsion, and confusion.

29. If, therefore, I venture to open the question, whether the lay element might not, at an early date, receive with great advantage, under the hands of the Right Reverend College of Bishops, a regular organisation, I beg to point out that this is a principle not only recommended by abstract argument, but deeply embedded in the Reformation, according to its actual and historical development in English history. I cannot here do better than invoke the authority of Hooker; more especially, because his theories upon these questions of polity were manifestly formed in great part from, and therefore very much reflect the sense and meaning of, our history. "Were it so that the clergy alone might give laws unto all the rest, forasmuch as every estate doth desire to enlarge the bounds of their own liberties, is it not easy to see how injurious this might prove to men of other conditions? Peace and justice are maintained by preserving unto every order

their right, and by keeping all estates as it were in an even balance."* It is sufficient for my purpose to quote this authority in general terms, without going back to early precedent either in the Acts of the Apostles or in the ordinary law or usages of the Church. The facts, however, of our own Anglo-Saxon history alone amply suffice to show that the principle for which I would plead is no new-fangled invention, but one well known to a period to which Englishmen are justly and wisely fond of carrying back the origin of their system of jurisprudence.

30. Nor can we put aside, as superannuated, the precedents of the Reformation. Antiquated, indeed, they are in one sense, namely, as to the particular form in which the principle was applied. That form depended on the close alliance, coming near amalgamation, of the Church and the State in England; but the vitality of the principle itself has received recent, nay is receiving almost daily, testimony. The Episcopal Church in the United States has given a distinct place and vote to the lay order in its Ecclesiastical Assemblies. No doubt that Church is far from presenting to us anything like a perfect system; but the whole weight of testimony from the most competent and dispassionate authorities, quite irrespective of particular leanings of opinion, is in favour of this lay representation, as being not the cause but the corrective of passion and disorder, as adding greatly to what may be called the ballast of the Church, while it is likewise found to be an incalculable and an indispensable source of expansive strength.

31. Such, then, being the case of America, the Church in our own Colonies has, by a simultaneous movement at

* Hooker, Eccl. Pol. b. viii.: Of the Authority of making Laws.

opposite extremities of the world, borne signal testimony to the same principle and need. In Canada, the Legislative Council of a Colony with nearly two millions of inhabitants, as well as a Synod or Assembly of five Bishops of British North America; and in Australasia a similar Synod of six Bishops, backed, I believe, in both instances, by the very general assent of laity and clergy, have declared in favour of an organised Church government, on the footing of voluntary contract, and with some form of lay representation. The very last arrivals from the Cape of Good Hope have brought a similar declaration from the indefatigable Bishop of that Colony.

32. If such be our case in regard, first, to facilities and inducements, and secondly, to historical authority and precedent; on the other hand, there are circumstances in our condition, which seem evidently to point out a need for doing whatever can be done to strengthen and improve our ecclesiastical organisation. Our laws are too weak on all sides, and our discipline but defective. The laity, having no regular and constitutional means of exercising an influence on the policy of the Church, even by the expression of opinion, too often hang loosely in their relation to it, and sometimes are led, from want of defined and legitimate privilege, to the use of means essentially anarchical as well as unecclesiastical, such as the local and irresponsible exercise of the power of the purse.

33. Although we are in the happy condition of having only to build upon foundations already laid, yet the need of building, I must confess, seems to me to be as urgent as it well can be. Not but that, if the Rulers of this Church were content to close their eyes upon the broad field opening around them, and to confine themselves to meeting inevitable calls, and discharging the duties of

routine within the present narrow limits of their communion, it might be in their power to pursue such a course. But it is easy to predict that, claiming to occupy the ancient Sees of Scotland, and to represent her sainted Missionaries and her earliest Episcopate, they will feel that such a claim is one of responsibility even more than of dignity; and their efforts to meet that responsibility will, without doubt, be bounded only by the means and opportunities, which Providence is manifestly and rapidly enlarging.

34. If, Right Reverend Sir, there be any of our members who doubt whether our ecclesiastical polity have enough of intrinsic vigour to bear the strain and pressure, with more or less of which all effective government is carried on, I trust they will ask themselves whether their faith in the power of truth, and in the soundness and impregnability of their own position, is altogether what it ought to be. For my own part, I feel that the multitude of extraordinary lessons which the Church history of England during these last years has conveyed, ought not to remain unimproved; and that unimproved they would remain, if they should leave behind them, either here or there, any of that bias which existed in many quarters antecedently to them, in favour of trusting to the force of inertia, to the chapter of accidents, to the assistance of the civil power, to the influence of property, to anything, in short, and everything, except the full, free, and fearless reliance on the Divine Mission and Doctrine of the Church, and the unhesitating resolution to stake and spend all upon that issue.

35. Still, a strain like this is not the sedative which I for one would recommend to mitigate the alarms of the timid and reluctant. To them I would presume to say,

as the spirit of wisdom will not permit the wilful acceleration of a crisis, so, when the crisis has arrived, futile efforts at procrastination can only purchase a miserable momentary respite at an unbounded cost, and the path of safety lies only through a tempered and calculating boldness. Let us travel back once more to the case of the United States. Every danger, which could attend the attempt to organise the Church on an extended basis, was far more menacing there than it is here. Every safeguard, to which we might look for encountering such dangers, is far stronger here than it was there. Let us for a moment consider the deplorable condition of the Episcopalian body in America, at the time when the Union commenced its wonderful career. For generations they had laboured under the disabilities of legal and political establishment, while they had sensibly shared in none of its advantages. Their system was at once inflexible and feeble; and the want of Bishops was not a want only, it was the absolute and total inversion of the structure of their polity, and it cut them off, in no small degree, not only from the guarantees of order and discipline, but from the sources of spiritual vitality. Weak in numbers, they were weaker in spirits; and, though their outward extension had been so much curtailed, they were a mass as loose and promiscuous as the fullest legal establishment and the swelling titles of nationality could have made them, while within their narrow limits there was found room enough for the spirit of dissension, sure to enter where the spirit of order and the tempering hand of law do not bear sway. Lastly, their political opinions, running parallel to their religion, had set their sympathies on the side of the Power which for years had been locked in a sanguinary struggle with their country, now exulting

in the proud consciousness of youth and triumph, and still warm with the recollection of her wrongs; so that to be a Churchman was of itself almost to be half a traitor. Thus the American Episcopalians had, besides every imaginable external object to surmount, every imaginable source of weakness within; except, indeed, their one great but then disused and secret source of strength, in the radical soundness of their cause, and the promises of Christ on its behalf.

36. What was their course? They obtained, at length (though not without much difficulty, and through the kind intervention at the outset, be it remarked, of our Scottish Bishops), their own Episcopate, and they established a regular government for their Church, in which all orders took their several shares. When they began, it is not too much to say of the vast majority among them, clergy as well as laity, they had all their own principles of polity to learn for themselves, and to work out into practical forms for others. If insubordination, if indifference, if ignorance, if the pride of purse, if heat of temper, if worldly minds intruding into the sanctuary, if self-love and egoism in all their shapes are to be apprehended here, which one among all these formidable foes was not, I ask, antecedently to experience, far more formidable there? If with a clergy new to the work of government, with an Episcopate just struggling into existence, with a ritual and creed of necessity unfixed, this free and extended scheme of ecclesiastical government, by a mixed synod or convention, was the means at once of checking dissension and disorder, and of developing life and vigour in America, have we not less ground to dread the inconveniences, and more title to anticipate the benefits in Scotland, where our Synodical Government by the Clergy is already

organised and at work, where the Episcopate, strong in historical and personal as well as in spiritual claims, enjoys the unanimous veneration of our communion, where the standards of our ritual and creed are fixed and no question raised about them, and where we have nothing in the main to desire, but better, stronger, more efficient modes of practical administration and development "for the perfecting of the saints, for the work of the ministry, for the edifying of the body of Christ." *

37. I shall now endeavour to sketch, with a light and sparing hand, and without any reference, direct or indirect, to any personal matter or particular case, some of the practical defects to be removed, or advantages to be gained (though the terms are of course correlative), by the invigoration of our Church government through the enlargement of its basis. And I shall, as in duty bound, confine myself to matters of polity and external organisation, regarding all questions as from beneath and from without, and with a layman's eye. I only promise, for the satisfaction not of my own conscience alone, but of the consciences of others, that of course the true end and aim of all these measures, unless they be but sounding brass and a tinkling cymbal, is the greater glory of God in the mystical Body of His Son, the gathering up of the souls of men from a troubled and an evil world, and rearing and moulding them into the likeness of that Head with whom they are vitally incorporated, until the day come for their translation to the place of their rest and peace.

38. I suppose the low tone of spiritual life to be the source of our prevailing evils. Yet I do not mean, that

* Eph. iv. 12.

the tone of personal religion is peculiarly low in our own body as compared with the rest of the community, but that it is sadly low as compared with the standard of doctrine, of duty, of grace and privilege, to which our Church calls us to conform and offers us the means of conforming. This spring of evil betrays itself in many outward shapes and tokens. And indeed I must confess it would seem that, whether individual piety among us will or will not bear comparison with the fruits of other systems, the spirit of corporate religion, the appreciation of Church polity as a channel and an engine of spiritual good, is, among our laity at any rate, or to speak plainly, among those of the more powerful and opulent classes, with exceptions but too easy to count up, lower than in other religious communions around us; especially, perhaps, than in the Free Kirk of Scotland, which I must say has gained honour far beyond the bounds of this kingdom, or this isle —honour with Christendom at large, for energy and the spirit of self-sacrifice.

39. I must note, then, among the outward and material signs of this low tone of life, the mean provision generally made among us for the support of our Clergy, and especially our Bishops; for the fabrics and furniture of our Churches; and, lastly, for the instruction of the children of our poor, an object to which it is only within these latest years that any systematic efforts have been directed. I feel a strong conviction that every one of these blots would be removed, and that speedily, from our escutcheon, when a more intelligent and more active spirit of Church-membership should have been matured among us by the serious, regular, and authorised discharge of important functions appertaining to us as the laity of the Church.

40. But further. In a thoroughly well-constituted community, every man, unless it be his own fault, has a clear and vivid, and a tolerably accurate general knowledge of the duties, and of the rights, belonging to his position; whether they be personal only, or whether they be official also. Now this knowledge is an indispensable preliminary, and a powerful help, to willing and prompt compliance with the first, and to confident, orderly, and temperate assertion of the last. I humbly submit it to your Reverence and your Right Reverend Brethren, as the result of my own observation within the Episcopal Communion of Scotland, and of the impressions I have derived from other and better-qualified observers, that among us law, method, and constituted order do not afford the aid which they might, and ought to afford to the individual, in any one of our ecclesiastical ranks, towards the knowledge of his duties or of his rights. Not, most certainly, among the laity, whose ill-defined position is our main source of weakness and of danger, the master evil which I fondly long to see mitigated or removed: not, I believe, among the Presbyters, nor even among the Bishops. I do not mean that there is widespread ignorance or gross confusion of ideas among us as to the general position and functions of the Holy Ministry, or as to the governing power in the Episcopate: but I do mean that we know of these things on paper rather than in practice; that authority, which is fully admitted in theory, yet through disuse, becomes strange and repulsive, and even prompts misgiving and resistance; that the machinery for applying our principles to executory details is very weak and very imperfect; and that it cannot be made strong or complete without careful definitions of relative rights and duties, upon which definitions, by

means of law or canon, the clergy could not in prudence, and I am quite certain would not, enter, so long as they remain an isolated body in respect to their legislative powers; but which might very well proceed from the concurrent energies of all the orders of the Church, working according to regular and duly constituted form.

41. My complaint, then, of our present state, is by no means a complaint that the Bishops or the clergy possess too much power among us; although in theory they are absolute, because by their sole decisions in General Synod, over which we of the laity have not the smallest recognised control or influence of any description whatsoever, we are nevertheless finally and unconditionally bound. But this excess of central power in the clergy is inconveniently, rudely, and dangerously balanced by the dead weight of indifference and phlegm, and likewise by another excess of power in the laity; that, too, not in the laity as such, as communicants of the Church, but in those among them, who happen to exceed in the possession of worldly goods and the advantages of social position. The distribution of local power, as between clergyman and vestry, is the irregular, disorderly, and hazardous compensation for the absorption of central power in the clergy at large, as contra-distinguished from the laity at large. I do not say, then, that the exclusive prerogative of legislation in the clergy makes them too much our masters; far from it; but I say this: it exalts their power at the expense of their influence; it exalts the shadow at the expense of the substance; it exalts the name at the expense of the thing; it increases what they cannot use, and takes from them what they could.

42. It is by influence, and by influence only, that our clergy can be really powerful. By influence individuals

of a class will be powerful here and there, under any system, however cross and wry: but a class cannot uniformly present the qualities by which such individuals acquire weight: a class, as a class, can only have influence by virtue of something which belongs to it as a class, by virtue of office, or by virtue of discipline and good organisation. Now in order that our clergy may gain the power which it is desirable for the good of the whole body that they should possess, we seem to require an elasticity of system, and a freedom of play among its several parts, which is in entire contrast with our rather stark and rigid methods.

43. In like manner, I do not say that the power of vestries is always too great—perhaps it may not in all cases and points be great enough; but that it is a bad kind of power. It is a bad kind of power, because it brings the pastor and his flock into contact upon grounds far lower, to say the least, than those which properly belong to the holy and exalted relation between them. It is a bad kind of power, because it virtually determines who shall represent and speak for the flock at large by qualifications which belong to the kingdoms of this world, and not to the Kingdom of God. It is a bad kind of power, because it tends directly to the isolation of our several churches one from another, through the want of a common law, or principle, or collection of precedents, or controlling authority. If difficulty or dispute arises in the vestry itself, or with the clergyman, each local body has to find, I should say rather to burrow, its own way; to construe, and often to make, the law for itself.

44. The Bishop is the centre of unity, and his interference will tend to preserve it: but the limits of his power to interfere are by no means invariably clear: and

before he is appealed to, the humours may have grown too acute and angry to be allayed by him. When the law is at hand to aid men in self-guidance, we may fairly expect them to keep their heats within due bounds; but when there is a very great want of determinate rules for the settlement of questions likely to be differently viewed by different members of a congregation, or upon which the clergyman may lean one way and the flock another, there is no centripetal attraction to balance the centrifugal impetus; men having no guide before their eyes but their own will and inclinations, naturally follow them, and, mistaking vehemence of temper in themselves for weight and moment in the subject of the contention, they will rush on, and no wonder amidst such circumstances, aye even to schism, from which, by the existence of definite and intelligible rules, applicable to the management of the question in its beginnings, both they and the Church might have been saved.

45. So far, then, as relates to the power of the clergy, I say that for useful purposes, and as a power working through the medium of intelligent consent, it will be increased by the measure I presume to suggest; and while the legitimate sphere of recognised privilege, and of recognised duty along with it, will be enlarged for the laity, any opportunities for the abusive employment of the power of wealth over poverty will be diminished by the extension and consolidation of our representative system.

46. At the same time, the main object which presents itself to my view and desire is not in any sense that of strengthening one class and weakening another, in this sense or in that—not the shifting of the balance of power as between one portion of the body and another; but it is to have a strong Church instead of a weak one; a Church

with her principles developed in her organisation and daily life, instead of a Church in the state of a chrysalis, of a Church with her principles only existing potentially, and to be found chiefly in dusty folios on the shelves of her libraries; a Church governed by law and established in order, instead of one dependent mainly on sufferance and good feeling, which are excellent auxiliaries to well-defined and well-sustained authority, and no doubt the best substitutes for it where it is not to be had, but which no more afford an argument for declining to avail ourselves of its advantages, than my happening to have an umbrella in a storm of rain is a reason for determining to live day and night under it.

Distinct, however, from the question how is power distributed among the different classes in a body? is the inquiry, what is the power of the body as a whole over its members individually or in classes?

47. The exercise of discipline, as all are aware, was a note of the Apostolic Church in its infancy; and it seems hardly too much to say that, without such exercise, it would not have been Apostolic. The neglect and perversion of it were among the very chiefest causes of the Reformation, and an anxiety for its restoration was one of the most prominent, and also one of the most honourable, characteristics of that immense and not yet concluded movement. In Scotland it has never been *absent* from either the Episcopal or the Presbyterian communions; and the shameful state of it in the Church of England is both a grief and scandal to its zealous members, and a cause of painful astonishment to foreigners interested in its welfare: while it is indignantly alleged by pious Dissenters as a main, in many cases as the sole, cause for their separation.

48. The exercise of discipline may be considered as either over Bishops, over Presbyters and Deacons, or over laymen. The instruments may differ according as the person to be subjected to discipline belongs to one or another of these classes; but its administration must always be under the authority of the body. Now I venture to observe, that while a real and effective discipline is essential to the sanctity and spiritual glory of the Church, and while she would utterly betray her office as the Witness of the Gospel if she failed (when the facts are clear) to draw in practice those lines of severance between truth and falsehood, between right and wrong, which she incessantly professes to proclaim upon the authority of Christ, yet the delicacy of this function is no less clear than its importance, and the dangers of miscarriage are only less formidable than those arising from systematic disregard of the duty. Two things, then, appear to me essential to a good administration of Church discipline. The first is, that the laws themselves should be strongly based upon general consent; the second is, that the mode of their administration should be hedged in with the best securities against abuse: such as strict regularity, and, on every due occasion, publicity of procedure; weight in the tribunal adequate to the office it has to perform; adequate assistance from persons conversant with judicial principles and processes; ready recourse against tyranny; and suitable provisions for discouraging frivolous, vexatious, and impertinent charges.

49. For all this, a full and free Synodical Government is surely requisite in a Church like ours. Not that I would contemplate any visionary aims. My idea of discipline is simply this: first, vigorous enforcement of the whole system of their public duties upon the officers

of the Church, clerical and lay; and due provision, secondly, against the profanation of her ordinances by any persons, clerical or lay, whose overt and flagrant acts should prove them to be unworthy. But even for these moderate ends a strong arm is required; a stronger arm than authority is now in a condition to wield among us. That strength, unless I am grossly deceived, can from no possible source be obtained for our system, except from general and solemn consent, embodied in the form of law.

50. Furthermore, let us consider our present state, not with reference to the imperfect securities it affords against abuse of power, but with reference to the inadequate support it secures for a bishop when engaged in its legitimate exercise. In his dealings with a contumacious clergyman, he must proceed as he best can. He must construe the Church law for himself, in the face of an antagonist on the alert to detect his accidental slips, and perhaps supported by a knot of persons vigilantly hostile to his authority. Having no prescribed forms to follow, whatever course he takes may be imputed at every step to his arbitrary disposition, and each item of his procedure enveloped in a separate cloud of debate, of suspicion, and of passion. Now, a Bishop cannot *ex officio* have the legal mind. It is not desirable that he always should. The aid of his Synod cannot be certainly relied on to supply the deficiency. But as the intervention of the legal mind is, in the long run, absolutely essential to distributive justice, we ought to have provisions for securing to our Bishops such aid of this kind as might according to circumstances be requisite. The law should likewise assist them by defining more carefully and largely their course of procedure, and thus at once strengthen their hands, lighten their responsibility, diminish the temptation they

must now often feel to flinch from their duty on account of those difficulties and uncertainties attending its performance, which they are called upon to encounter virtually single-handed, and insure to them more uniformly, and in more active and lively forms, that sympathising support from the members of their communion generally, which the public and authoritative acts of our Spiritual Fathers ought obviously to receive.

51. And it should be observed that in this point the need of the Episcopal Communion in Scotland is really much more urgent than that of the English Church, so far as regards ordinary judicial purposes; because the Church of England has a code of ecclesiastical law partly general, partly proper to herself, together with a body of lawyers competently instructed, and Courts which are conducted according to recognised judicial principles. Whatever be the defects of these laws or Courts—whatever dangers to the very life of the Church the present unprecedented and base-born, but really fortuitous, provision for appeals may entail, yet as to ordinary causes in their ordinary course through the diocesan and provincial courts, the judicial system in England is, on the one hand, a security to the public and to individuals that the main principles of justice shall not be contravened, and on the other it affords a living and very effective assistance to the authority of the Bishop. It has this further advantage, that it tends to divest a Bishop's efforts for maintaining discipline of the character of personal contention, which they are otherwise so likely to assume.

52. In these points, the Scottish Episcopal Communion offers nothing but a blank. In judicial matters the authority of the Bishop stands almost naked and solitary. It is neither protected against assault, nor limited and

hedged in by publicity and adequate forms; and such an authority, wisely and mildly as we know that it is exercised, cannot secure, as of course, that easy, familiar, and settled confidence, which it is to be desired it should enjoy.

53. The settlement of contested questions between man and man, or between private persons and public authority, in which all the forces of individual interest and passion are aroused and enlisted to defeat or baffle justice, is a great difficulty even with the civil power, which has coercive sanctions at its disposal. Much more, then, for a religious society: and where such a society is organised like ours, with a liberal regard to the principles of human freedom, I believe but two alternatives are offered; one of them, a strong judicial system, calling to its aid the general opinion and sense of the body; the other a weak one, divested of that aid, dealing with some few questions fearfully, and with many not at all. When we turn to our Book of Canons, well and wisely as it has been drawn with reference to the circumstances of a Church just raising her head from a crushing proscription, and still *parva metu primo;* and when we find our whole judicial system comprised in two canons only, occupying as many pages; when we read those canons, and observe what, and for what cases, they provide, and begin to consider with ourselves even a small fraction of that for which they make no provision whatever,—we seem to see that they were meant for a state of things which has fairly been outgrown, and we are reminded that the simple legislation of the nursery must be enlarged and invigorated when manhood is coming into view.

54. I shall now touch lightly on that much-vexed question of ritual, which has, as I believe, on account of

the immediate and palpable appeal it makes in all its forms to the general mind, and yet more to the general eye, afforded the chief material for the present lamentable heats and controversies in England; and which, although it has not had here the same formidable operation, yet does not stand altogether well among us, inasmuch as we too want due and adequate means for determining how the numerous points of detail belonging to Divine service —in which one congregation may lawfully and innocently differ from another—are to be settled as they arise in each case.

55. I shall venture two remarks upon ritual changes generally, in which I am bold enough to anticipate extensive agreement. The first is, that as ceremonial is but the dress of devotion, it ought to follow upon rather than to precede spiritual growth, of which it must be the consequence before it can become the cause; and, except as to the removal of palpable indecency and scandal, it should be left for its increase to such spontaneous demand as may arise out of our gradual return to that temper of elevated and concentrated devotion, which has unhappily become rare among us. The second is, that many of the points, which have given rise to dissension, are in themselves really but secondary, and have derived their importance from prepossessions conventionally rather than essentially connected with them. Now both of these remarks point to one and the same conclusion; namely, that diversities and changes of ritual, so far as they are properly open questions at all, are a matter to which the people ought to have something to say. If ceremonial be in general not so much a means of awakening as an instrument of edification for those already awakened, then the expediency of ritual restorations must, it is evident,

vary greatly with the religious temper of each congregation. If, again, its details are as it were prejudged by prepossessions for or against them, then manifestly there is a tender and irritable state of mind to deal with, which will become hopeless under anything like an exasperating treatment.

56. The way to conquer men's prejudices is to appeal freely to their good sense, and allow some reasonable scope to their free will and choice. Such appeal involves, or at the very least harmonises with, the idea of giving them a share of discretion in determining the points at issue. Nothing can be more painful or disgraceful than to see questions of divine service settled, as they were some years ago settled in Exeter, by riot and uproar. Such modes of proceeding are fitter for Turkey than for England. But we probably never should have witnessed them, had it not been for the anarchical state into which congregational organisation has there been allowed to lapse. Besides the things in themselves, nay, besides the prejudices attaching to them, there was, I believe, at the root of all, a sentiment in the people that they were over-ridden, which generated, as it were in self-defence, a strong and unmanageable reaction. Had there been in those cases a regularly constituted congregation, or to borrow a phrase from our Presbyterian friends, a roll of communicants, and had these had the means of making known their sentiments, and of acting by their duly chosen officers, the clergy would have derived from them the most valuable aid at the outset, instead of being left to work out their way as it were blindfold; a general harmony would have been secured between the forms of divine service and the tone of feeling in the congregations, to which, as we have seen, they ought to bear a

close regard; and authority, too weak already, would have been spared some heavy blows.

57. It would be transgressing my proper sphere were I, in touching on this question, to point out particulars which might advantageously be left to vary with the will of each pastor and congregation, or in which usage of a certain duration should be held to give a title as against written laws until the pastor and the congregation jointly were prepared and desirous to reform it. I assume of course all along, that the leading principles and usages of the ritual will remain fixed, as at present, by canon; and that the Episcopal authority will still hold its place above merely local discretion. My suggestion is, that over and above all this the clergy may most advantageously take counsel with their people, as members of a Christian Church, according to the principles of a sound ecclesiastical constitution, on matters like these; and that such counsel, and its results, will be found an admirable specific for the practical solution of the question, when it arises, between custom and written law, or between allowable varieties of taste and predilection, subject always to the general principle of uniformity within the limits determined by our Church law.

58. Thankful for that wholesome stir of life and progress which marks the present condition of our communion, and anxious for the regular development of measures by which, under God, it may from a weak Church become a strong one, and deepen its foundation as it extends its borders; I have now, Right Reverend Father, submitted in a general form some of the considerations which have led me to the belief that, if it be the Divine will that your Reverence should as our Primus inaugurate among us a representative system, and if, with the other Right

Reverend Fathers of our Church, you call upon your lay flocks to communicate and advise freely with you, and to strengthen your hands for the work of the ministry, then your name and the names of your brethren will be remembered among us in connection with a noble epoch of restoration and revival, a great ingathering and edification of Christian souls.

59. But I have yet a few words to say upon two points. First, how are we to prevent liberty from deviating into licence? Do I propose to place the government of the Church on such a footing, that the main seat of power shall really be in its popular branch? If lay privileges and powers have fallen into desuetude, must it not be dangerous to place weapons so keen and trenchant in the hands of raw recruits?

And, secondly, is this the time for the Scottish Episcopal Communion to stand forth as the *prærogativa tribus* of what may be called the Anglican Churches to act for herself, and by acting to teach others how to act; or should she modestly wait upon their steps, and follow in their line?

60. As to the first, it will be remembered that we live in a season of peril, when the rose of safety can only be plucked from amid the thorns of danger. We need not go far to perceive by example the sad consequences of a cowardly and narrow-minded policy, which takes this for its maxim, to give as little as possible, and has this for its reward, that for what it gives (and in time it is forced to give all) it gets neither thanks nor compensation in return; a policy which when pursued by the strong is ungenerous, when aped by the weak is mad. But while I presume to hold this language, I admit freely that it is only capable of a general application, and that, if it were

to supersede care and caution in detail, we should only have cured one set of mischiefs with another. I am far indeed, then, from proposing that the Church should be democratically organised. Nay, in my view, it cannot be so organised; for whatever man may choose to ordain or adjust about chambers and branches and the like, must of necessity be for ever and wholly subordinate to the unchangeable conditions of her Divine Charter.

61. I will therefore, Right Reverend Bishop, state in few and simple words what I humbly believe would be found at once a free, a vigorous, and a safe form of constitutional organ for the Scottish Episcopal Communion.

First. That the Synod or Assembly for Legislation should consist of three houses or chambers—the first that of the Bishops, the second that of their clergy, the third that of the laity. It might deserve consideration, whether the second and third of these, of course voting separately, should, either permanently or for a time, sit and deliberate together on certain or on all occasions.

Secondly. That the lay representative system should be based exclusively upon an ecclesiastical qualification, and not upon a pecuniary franchise in any form: in other words, that communicants only should be either eligible or electors. But, I may add, it may be found necessary first to limit this privilege somewhat further, (1) by age, and (2) by requiring persons to have been communicants for a certain space of time antecedent to its exercise, in order to exclude all electioneering practices from the precincts of the Church. And further, a different rule might still be required for the settlement of questions of temporal or proprietary right in particular congregations, and for the protection of all vested interests.

Thirdly. That the mode of procedure should not be to

constitute arbitrarily, so to speak, a central organisation before providing local institutions fitted to give it a broad and solid groundwork, but to take the local institutions first. That is to say, to begin by inviting the clergy of the various incumbencies, in conjunction with the principal members of their congregations, to frame, where such a thing does not exist already, lists of such persons of given age as have been communicants for a certain time; to make provisional arrangements for the preservation and due correction of such lists; and to move those on each list to choose from among themselves delegates for a Diocesan Synod should the ordinary think fit to hold one, and should it be deemed wise to obtain the sense of the Diocesan Synods thus constituted as consultative assemblies only, on the intended measure, before its taking effect. Or otherwise, to give their suffrages directly, in common with the communicants of every other congregation thinking fit to act on the said invitation, for duly qualified persons to represent them in any General Synod of the Church.

62. The body issuing, or giving power to issue, the invitation, and thus setting the new machinery in motion, must, I presume, be the General Synod according to its present constitution; which, if summoned by the wisdom of your Reverences the Bishops for such a purpose, it might probably be thought fit to summon for that purpose (with its cognate particulars and executory provisions) alone.

Thus, then, the mechanism proposed would be self-acting. Congregations desirous of such franchises, and prepared for the discharge of the duties they entail, would act upon the invitation. Congregations not prepared for these things, if any such there were, would not be dam-

nified, since they would be no more subject to the General Synod as newly organised, than they now are to the General Synods composed of clerical members only.

63. Fourthly and lastly. As the governing power over the Church resides most properly and strictly in the Bishops, and as they are supremely responsible in particular for the decision of doctrine, I cannot but express the strongest conviction, that the initiative of all legislation should rest with them absolutely and exclusively; and that it should be competent to either of the other chambers to approach them spontaneously in the way of petition only. Their *veto* would, of course, remain complete; and between these two powers duly carried through the whole scheme, I hope adequate provison would have been made for preventing any collision between such a constitution and the great and immovable principles of our ecclesiastical polity.

64. To these provisions on behalf of order and authority, I may append a remark touching an apprehension that proceeds from an opposite quarter. It is feared by some that the laity would not act, so that their synodical functions would remain a dead letter.

I do not doubt, that our Right Reverend Fathers must reckon upon finding a certain amount of apathy in a mixed body, which has been long unaccustomed to public duties. Still, I venture to think this would not be so widely spread, as not to leave accessible and available a great mass of zealous and intelligent co-operation. This complaint of inertness on the part of the laity when the burden and heat of duty has to be borne, is made, and justly made, in England; yet cannot it be said that any important plan has fallen to the ground through such inertness. Some evade their duties, but some also perform

them: and even though attendance might, not certainly but possibly, at first be slack, yet this evil would diminish with the lapse of time, as the representative system should take root among us, and enter, gradually and gently, into our ecclesiastical habits and ideas. In America, where the demand and pressure of material pursuits is even more absorbing than with us, it is not found to prevent the laity of the Church from taking an active part in its general concerns.

65. And now, finally, should the Scottish Episcopal Communion, in the person of its Bishops, proceed to deliberate forthwith on this weighty subject, or should they wait to be led by other Churches of the Anglican origin or communion? Where, by other Churches, we must mean those of the colonies; for the Church in the United States has led the way already; and the Church of England, as well as that of Ireland, can only move slowly in a matter which, for them, is beset with real as well as with factitious difficulties. But the colonial Churches of British North America, and of the Australasian colonies, have already so far got in advance of the Scots Episcopal Communion, that they have largely declared, in their several orders, their anxiety for a regular ecclesiastical constitution, including the lay element.

66. Yet, Right Reverend Sir, after a long and anxious observation of the condition of these Churches, I venture unhesitatingly to assert, that it is not for you to be their debtors or followers in such a matter, but for them to be yours; and that, had they possessed anything like the facilities and means of action that happily belong to you, they would not now have been expressing their desires, but exhibiting finished results.

The vantage ground, as I understand it, which your

Reverences possess, and which is wanting to the colonial Churches, is twofold. First, an entire freedom from the fetters and entanglements of the law: secondly, a defined ecclesiastical "platform," and a legislative power in actual existence, with a clear, unquestioned title.

67. But how different is the condition of the Churches in the Colonies! It is scarcely too much to say that, while for the purposes of internal subordination they are without law or legal sanctions of any kind, they are subject, without mitigation, to the worst of its inconveniences. On every side they are involved in the meshes of the net of legal doubt. There is a doubt whether, if their members meet in Synod, they are subject to penalty; a doubt whether they can pass any Canon; a doubt whether they can set up even phantom officers in ecclesiastical courts; a doubt whether they can come to any binding voluntary agreement whatever among themselves. Of one thing only there is no doubt, that they are practically without the means, either of protecting innocence against oppression, or of punishing wrong, or of fulfilling for themselves any of the purposes of Church government. Nor, as I believe, can they, without an Act of the Imperial Parliament, be relieved from these very cruel disabilities, or attain to that footing of equality with the Presbyterian and Dissenting denominations in the Colonies, to which they fondly and ardently aspire.

None of these most formidable impediments to organic measures exist for the Scottish Episcopal Communion.

68. But suppose the colonial Churches emancipated, how are they to proceed to act? They have no existing framework of a legislative organ; they have not even the pattern of an English Convocation to work by; for they have no deans, no chapters, in some dioceses no arch-

deacons, in many no parishes. They have under God two constitutive elements only, the Apostolical power in the Episcopate, and their own good principle and good sense. That, by virtue of the great gifts of the covenant of Christ, they will work their way to an adequate organisation, what they have already done, in a state almost chaotic, affords us ample assurance. Yet at the same time we must admit that they will have to begin by digging the foundations, and then laying, with elaborate care, every stone of the building. For the Scottish Episcopal Communion, again, I say, these difficulties do not exist. We have foundations already, and building too. It rests, beyond all question, with your Reverences of the Episcopal College to devise a plan in your wisdom, to bring it before a general clerical Synod by your prerogative, and, with the assent of that Synod, to tender it as a graceful and spontaneous boon to the laity of your communion.

69. It is plain that we who now live must not look for days of ease and calm, even of such ease and calm as have at certain periods been permitted to the Church, being, as she must ever be, a wayfarer and a pilgrim upon earth. We must never think to say—

"Suave micant fluctus, ac detumuere procellæ."

But while making this confession, I, for one, am fondly perhaps, but yet firmly, assured, that, on the day when our Bishops shall be bold to show their confidence in their own position, and in the vital energies of their Church, by propounding a measure which must tend, first searchingly to test, and then powerfully to invigorate and multiply those vital energies, they will strengthen many a weak hand, confirm many a feeble knee, chase away the gloom from many a desponding heart, breathe the new

life of hope into spirits that have flagged under accumulating misfortune, stir up many a voice of joy and health and thankfulness to God from the dwellings of the righteous, and quicken the footsteps of them that tread, or that ask, the way to Zion, with their faces thitherward.

70. In thus submitting to your Reverence my thoughts upon a deeply interesting and momentous question, I do not for an instant presume that I shall convey to your Reverence, or your Right Reverend Brethren, any view of this subject either new or serviceable to such a body; but I have written with the desire and hope, that I might be made the instrument of stirring up the minds of others, my brethren in the Church, to a careful and practical consideration of the actual position of our Communion; of its dangers, its duties, the genial promise which it gives, and the means required to enable it duly to fill its rapidly expanding sphere.

I remain, Right Reverend Father,

With cordial and dutiful respect,

Your obedient and faithful servant,

W. E. GLADSTONE.

Fasque, Kincardineshire, Dec. 1851.

II.

THE BILL FOR DIVORCE.*

1857.

1. The age in which we live claims, and in some respects deserves, the praise of being active, prudent, and practical: active in the endeavour to detect evils, prudent in being content with limited remedies, and practical in choosing them according to effectiveness rather than to the canons of ideology. But if an eulogist, contemplating the course of events from one point of view, may hold this language without fear of confutation, a censor may, from his opposite standing-ground, launch his rebukes with equal confidence and equal justice. He may urge that we are, at least in the sphere of public affairs, restless, violent, and feeble: restless, in our impatience of evils which belong to our human state, and in attempting the removal of which we can hope nothing better than to exchange them for others far more grievous; violent, in laying irreverent hands upon good laws and institutions on account of some imperfection which attaches to them, or it may be only to our use of them; lastly, and most of all, feeble in our partial and narrow modes of handling emergencies, our inability to solve problems with which other times and men have not feared to grapple. Nay, he may accuse us of incapacity even to measure the scope of our own arguments; or to learn, at the very time when

* Reprinted from the *Quarterly Review* for July 1857.

we are setting forth under their guidance, how far they are likely to lead us, and on what kind of ground they will permit or enable us to rest.

2. In general it may be said that the censor and the eulogist of the age are not, when thus speaking each for himself, absolutely in conflict. They find respectively their subject-matter in different fields of legislation. Where the work to be done is mechanical and external, the eulogist may be justified. Where it touches the more inward and subtle forces which operate upon the relations of man, the censor is in the right. Appreciating complaints by their loudness, and remedies by the hardihood of the promises their projectors offer; choosing subjects according to the immediate profit or popularity they will yield, and not for real urgency; thinking more of the present than the past, and of the future less than either; we forswear the qualities, and invert the habits of mind, necessary for an occupation where men should dig deep, for their foundations, and learn to be content with slow, and for a long time perhaps invisible, results.

3. Thus it is, in such a temper and with such prospects, that we appear to be dealing with the greatest, oldest, and most universal of all social institutions, the great institution of marriage. An active agitation has for some twenty years been carried on against the Table of prohibited Degrees, or, in other words, the law of incest; for this it is that is really in question. In regard to this subject our law was settled with admirable wisdom at the Reformation, upon the basis of the scriptural prohibitions; and, until within the time we have named, these just restraints appear to have been in harmony with the entire public opinion of the country; although, as is well known, there were cases, and there still are cases, some of them

much worse than that of the wife's sister, where prohibited marriages are contracted *de facto*. Indeed, we must do our forefathers of the last century the justice to say, that their only general legislation upon marriage was conceived in the intention not of impairing, but of restoring and heightening the fences which inclose the sacred precinct. We speak not of the enactments respecting Royal Marriages in the twelfth year of George III. (on which has been laid the blame rather due to the policy pursued under them), but of the general provisions of the Act 26 Geo. II. c. 33, which were directed to the prevention of marriages either clandestine, or between persons judged to be incompetent by age. At that period these evils must have attained, at least in the great towns, to an alarming height; for it is stated that at St. Ann's, the church of one of the most populous parishes in London, the marriages were but fifty in a year, while those irregularly and clandestinely made at "Keith's" were six thousand.*

4. It seems to be a sign of the general decay of the spirit of traditionary discipline in our own day, that so determined an assault should have been made upon a part of the Levitical Prohibitions, now forming the basis of our ecclesiastical law. It has, indeed, been repelled, up to this time, by an equally determined resistance. We presume, however, that the assailants are now only lying in wait to see the issue of the yet more formidable attack on the indissolubility of the contract, in the hope of obtaining, through its success, a vantage ground from which their operations will acquire resistless force.†

* *Gentleman's Magazine*, vol. xxiii. p. 400.

† [At the date of these observations, the proposal had commonly been to alter the ecclesiastical law, as above stated, by vote of

5. This greater movement is not, as far as appears, due to any general dissatisfaction with the state of the law of divorce in England. That law is, indeed, beset by a double anomaly. First, by the existence of a very different law in Scotland; which, at the Reformation, if not before it, deviated from the general rule of Western Christendom. Hence arose an inconvenient conflict of jurisdiction between English and Scottish Courts, of which the results may be read in a former number of this Journal.* Secondly, the unsatisfactory course of proceeding on the part of the legislature, which for nearly two centuries has, from time to time, granted the ill-starred boon of divorce *a vinculo* in certain cases where there was wealth enough to undergo the heavy charge necessary both for the preliminary suits and for a private Act of Parliament. But the passing of from one to half a dozen divorce bills *per annum*, and the occasional occurrence of a practical solecism through the variance of Scotch law from our own, did not practically affect the state either of facts or of feelings for the mass of the community in England and Ireland, with their two hundred thousand marriages a year.

6. It was not the law of marriage which brought itself into danger, but rather it was the feeling entertained, whether justly or unjustly, about the Court, by which that law was administered. The disposal of a large part of the testamentary business of the country under episcopal authority was a clear anomaly; and what was much more, it was one of those anomalies which most powerful

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Parliament. More recently it has been to permit only the civil marriage with the sister of a deceased wife. This concession I have long supported.—W. E. G., 1878.]

* *Quarterly Review*, vol. xxv. p. 229.

bodies of men were interested in attacking, while only a feeble one was arrayed in its defence. Attention readily passed from the Court to the law in its different branches; and when once that branch of it, which dealt with the contract of marriage as a life-long engagement, was brought under criticism, its existence could not long remain undisturbed: it was too Spartan and severe for the relaxed tone of modern society; and the other principal Protestant countries had long ago set us the example of its surrender. A Commission was accordingly appointed to inquire into the law of Marriage; and, in the year 1853, this Commission reported in favour of a change in the law which should embody the principle of divorce *a vinculo* for adultery. Lord Redesdale, one of the Commissioners, dissented, and manfully took his stand on the total prohibition of divorce as the true doctrine of Scripture.

7. We wish it were in our power either to pass by the proceedings and the Report of the Commission in total silence, or to speak of it with the respect personally due to those who signed that most ill-omened document. With trivial exceptions, they took no original evidence. They did not examine a single divine. They have not touched the question of the Scripture prohibition; except by a brief reference, in a note, to the opinion, forsooth, of Beza. They have not only not sounded the depths of this great subject, but they can scarcely be said even to have attempted an investigation of its social, much less its religious, aspects. Inconsistent in its several parts, slovenly and inaccurate in its references, the Report seems to have been the work of men who decided before they discussed, and who simply felt it necessary to introduce their recommendations with some yards of preface.

8. Since that time, various Bills have been brought into

Parliament to give effect to these proposals; but in all Sessions previous to the present one they have broken down, either from the pressure of other public business, or from the quarrels of the various families of lawyers over the contemplated spoil.... Meantime, as it is the fashion of the country never to consider a question of this kind until the last moment but one before it is irrevocably decided, not only has little or no attention been paid by the public to the menaced innovation, but even from the clergy, who have a special as well as a very deep interest in the matter, it has as yet attracted no general notice. The pamphlet by Mr. Keble, named first at the head of this article, led the way, we believe, in sounding the alarm. It has been followed by others, among which we must highly commend the careful and closely reasoned pages of 'Considerations by a Barrister';* and the speech of Baron Von Gerlach,† which should ring like a knell in the ears of England.

9. And the hour for "Considerations" is indeed come. A Bill introduced by Her Majesty's Government has even when we write passed the House of Lords, and may, perhaps, before these pages can appear, have made no inconsiderable progress in the Commons. It has been resolutely opposed by a portion of the Bishops. The law lords, except Lord Wensleydale, are in its favour. Its principle has been affirmed by large majorities; and though it has been battered by formidable amendments, yet the promoters have in all cases either kept their ground or regained it. The Archbishop of Canterbury, in the Committee on the Bill, carried words which restrained all

* London, 1857.
† With a Preface by Mr. Henry Drummond. London, 1857.

guilty persons from re-marriage after divorce; but they were thrown out at a subsequent stage. A like fate befell that part of the amendment of the Bishop of Oxford, which made the guilty parties punishable by imprisonment as well as fine.

10. The parts of the measure material to our inquiry may, as it now stands, be described as follows. It transfers to a secular court the entire cognisance of matrimonial causes. It retains the judicial separation, or what is now called the ecclesiastical divorce *a mensâ et thoro*. It allows the marriage to be dissolved, as against the wife, for adultery *simpliciter;* as against the husband for incestuous adultery, or bigamy, or adultery with cruelty, or adultery with desertion during two years. The suit is to fail in case of connivance, or of condonation, or of the establishment of the counter-charge. The adulterous woman is, as a general rule, to be made a co-respondent; and the adulterous man may be punished by fine. Liberty to re-marry is expressly given, "as if the prior marriage had been dissolved by death."* There are other accessory and directory provisions; and of the former, some, which are apart from the main purpose of the Bill, seem to be humanely and judiciously constructed for the protection of married women in certain cases.

11. We shall pass lightly by many points of interest in the discussion. Among these is the evident tendency of a Bill which establishes a Central Court of Divorce on the ground that the old method of proceeding is accessible only to the very rich, to produce by necessary consequence further extensions of the jurisdiction to a number of local courts, in order to provide for the equal rights of the

* Clause 49.

poor, who cannot resort to a metropolitan court. I omit, too, the strange anomaly created by the well-meant effort to force adultery into the category of quasi-criminal offences; for, as the Bill stands, when one only of a married couple is guilty of adultery punishment may ensue, but when both have been guilty the suit drops, and no penalty can be inflicted on either the one or the other. Never surely was there before an application, either so practical or so ludicrous, of the principle that two negatives make an affirmative!

12. The question opened before us is as old, and as wide, as the history of revealed religion, and of civilised man. We can neither pretend to exhaust nor even to skim it; but we shall endeavour to present some portions (I.) of the argument from Holy Scripture, and (II.) of the history of the question of Divorce. We shall also (III.) hazard a few suggestions with regard to the question of policy which the measure involves, and to the particular structure of the present Bill.

13. (I.) It is somewhat provoking, in a case where weighty and large interests are involved, to see the earnest labours of the greatest minds passed by, and their doubts and misgivings contemptuously brushed away, by the hasty foot of modern sciolism. Lord Chief Justice Campbell is reported to have denounced, as no better than quibbling, any argument in contravention of his position that the Scripture allows divorce and re-marriage upon adultery; and the Postmaster-General is said to have observed, that, though in a difficult question we might do well to invoke theological aid, yet the sense of the Divine Word is here so absolutely plain as to make it wholly superfluous.* Against

* *Times*, of May 20, 1857.

these great luminaries from beyond the Tweed, we shall venture to oppose two of a brilliancy not short of theirs. The first is Selden, who closes a disquisition on one vital portion of the subject, the meaning of the cardinal word in St. Matthew (v. 32), by the words *nihil hic definimus; consideranda tamen proponimus.** The second is St. Augustine. He, more tolerant than our modern worthies, says that Scripture is so obscure upon the point whether a husband, being a catechumen only, who has rightfully dismissed an adulterous wife, married in heathenism, may re-marry without the guilt of adultery, that (while he himself denied the existence of any such liberty) in his judgment any one may go wrong in the interpretation of the sacred text upon this particular with small blame.†

14. Under cover of these apologies, we proceed to remark, in the first place, that no trifling part of the difficulty of this inquiry arises from the uncertain and varied uses of the terms employed in it. The principal word of all, divorce, is used in three chief senses, all different, and two of them contradictory to one another. For it means (1) separation of a married pair without any right of re-marriage, (2) the like separation with that right, and (3) the declaratory sentence, pronouncing a marriage to be void *ab initio*—that is, never to have existed in law. Paley gives the word a sense different from any of these, and understands by divorce "the dissolution of the marriage contract by the act, and at the will, of the husband."‡ Against these ambiguities we must be on our guard. There is also some dispute upon the meaning of the Greek words ἀπολύειν, ἀφιέναι, χωρίζεσθαι.

* Uxor Hebraica, iii. 27. † S. Aug. de Fide et Opp. c. 35.
‡ Mor. Phil. b. iii. p. iii. c. 7.

But the most serious difficulty is that which arises out of the use of the word *πορνεία* (rendered in the English Bible *fornication*) in the Sermon on the Mount.

15. Now the questions to which we seek a reply are these: Whether the marriage contract between Christians can be dissolved so as to permit either or both parties to marry again consistently with the word of God? And if so, then for what causes such a dissolution may take place?

And we will begin by constructing in good faith the argument from Holy Scripture, as we conceive it may best be stated on behalf of the Bill.

16. In two places of St. Matthew's Gospel, our Lord adverts to the subject of marriage and divorce, and contrasts either the Mosaic system or the prevailing practice of the time with that which He was about to establish. The first allusion is spontaneous, in the Sermon on the Mount. The second is drawn from Him by the invidious question of the Pharisees. In the first he says—

"I say unto you, that whosoever shall put away (*ἀπολύσῃ*) his wife, saving for the cause of fornication (*παρέκτος λόγου πορνείας*), causeth her to commit adultery; and whosoever shall marry her that is divorced (*ὃς ἐὰν ἀπολελυμένην γαμήσῃ*) committeth adultery."*

In the second passage the words are as follows:—

"Moses, because of the hardness of your hearts, suffered you to put away your wives; but from the beginning it was not so.

"And I say unto you, whosoever shall put away (*ἀπολύσῃ*) his wife, except it be for fornication (*εἰ μὴ ἐπὶ πορνείᾳ, according to the reading followed in our translation*), and shall marry another, committeth adultery, and whoso marrieth her which is put away (*ὁ ἀπολελυμένην γαμήσας*) doth commit adultery." †

* Matt. v. 32. † Matt. xix. 8, 9.

17. As our Lord puts His own precept in contrast with a system which had become one of unlimited licence, the general scope of this discourse does not require us to construe it of the extinction, but only of the limitation of divorce. Accordingly, while laying it down as a general rule, firstly, that divorce is sinful, and secondly, that the re-marriage of a divorced person involves the sin of adultery, our Saviour makes an apparent exception to the first precept, expressed by our translation in the words "saving for the cause of fornication." Thus far the ground is firm; but now follow a slippery series of assumptions, where difficulty rises upon difficulty, like Alp on Alp.

18. *a.* It is assumed, that the clause of exception, which in both cases is found in the first member of the passage, runs through and governs the whole of it, so that, wherever putting away is authorised, re-marriage is also permitted.

b. It is assumed that the word translated "fornication" means adultery.

c. It is assumed that the last member of each of the two passages refers not to all women put away by their husbands, but only to certain women, *i.e.* those put away otherwise than for adultery.

d. It is assumed that the whole, or some part, of the liberty of putting away for adultery, and of re-marriage thereupon, thus given to the husband, may likewise be claimed for the wife.

e. It is assumed that the statement of St. Matthew, as being more full, ought to import the exception into the Gospels of St. Mark and St. Luke, both of whom render the prohibition of re-marriage absolutely; and into the argument of St. Paul, who tells the Romans* simply that

* Rom. vii. 1–3.

marriage is for life, and that a woman re-marrying during the joint lives is an adulteress; and who tells the Corinthians* that a man must not dismiss his wife, and a woman must not leave her husband; but that, if she does leave him, she must remain unmarried.

f. After all these passages of Scripture have been thus distended, by forcing into them the exception fetched from St. Matthew, that exception is itself by some persons put under a similar process, to introduce the case of desertion as a second justifying cause for divorce and re-marriage. And inasmuch as St. Paul has declared that a Christian husband or wife married to an unbeliever is to suffer the unbelieving yokemate to depart if so minded, it is assumed that this constitutes a licence among married Christians for a husband or a wife when deserted to obtain a divorce *a vinculo* and to re-marry.

19. Such is the "Scripture argument" for divorce. And, with the exception of the case of desertion, which is not included in the present proposal, such is the Scripture argument for the Bill. And in these circumstances it is, that any one, who feels somewhat choked by this gigantic mass of assumptions, is told by a Chief Justice that he is quibbling; and that any one, whose back groans under the burden of them is comforted by a Postmaster-General with the assurance that he requires no help at all.

The amount of licence in the interpretation of Scripture which is involved in the first five propositions above stated is absolutely indispensable, in order to sustain the Christian character of the Divorce Bill. Yet, on the face of them, they are such as when simply brought together

* 1 Cor. vii. 10, 11.

must startle, so at least we think, the understanding and the conscience of those who have supported this Bill under the strange, but we believe actually prevalent, idea that they are bringing back our law to the standard of the Divine Word. When the case has been further stated with regard to them, we think it will appear that they are such as go far towards that most wretched consummation, which reduces all exegesis to a profane and deluding art; with no other business than to frame contrivances, under which we may hug the supposition that we are obeying God, when in truth we are denying His laws.

20. It will be observed that the whole force of the so-called Scripture argument for divorces with re-marriage rests, first, upon an assumed sense of St. Matthew; next, an assumed opposition between St. Matthew and other parts of Scripture; then, an accommodation in each case of the narrower and straighter to the more relaxed declaration; and lastly, a further accommodation of the relaxed declaration itself to the notions with which we have predetermined that it shall square. St. Matthew, let us suppose, gives divorce for adultery. St. Mark, St. Luke, St. Paul, where they are narrower, must yield to St. Matthew, who is wider; St. Matthew must then be widened to admit St. Paul on another point; and then, by a great and last effort, the whole of them, seeing that they do not contain one word on behalf of re-marriage, must be carried forward to this necessary point by the assumption that power to put away includes power to choose anew, and that liberty to suffer desertion without following the deserter includes liberty to bring in some one to supply his place.

21. Accustomed as we are, personally and by tradition, to conceive of the sacred writings only as collected into

a whole, we have need, in order to arrive at right conditions of judgment for the question before us, to go back to the period when they were respectively composed. It is not difficult, when in one part of a volume we find a doctrine laid down without exception, to bear in mind another part of the same volume where an exception is specified, and to construe the separate passages as one by making the more general submit to the more detailed. But the case assumes a very different aspect when we bear in mind that the three Gospels now in question are proved, from internal evidence, to have been written separately for different descriptions of persons, and that those who were acquainted with the one remained, in all likelihood for no inconsiderable time, unacquainted with the others. St. Matthew* wrote for the Jewish Christians, and probably in Hebrew†; St. Mark probably for the Gentiles at Rome, or, as some think, for the converts from among the foreign Jews or Hellenists; St. Luke for the Gentiles, and probably for those of Greece.

22. We have no title to say that these Evangelists were respectively acquainted with each other's works. And it would indeed be strange, were it true, that the doctrine of divorce should be so positively delivered by each of them, and yet in terms which were irreconcilable.‡ For what was the condition, previously to the formation of

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* Bishop Tomline's 'Elements,' part ii. chaps. ii. iii. iv.; Davies Morgan, 'Doctrine,' &c., vol. ii. 102.

† [The opinion formerly current that St. Matthew wrote in Hebrew is now, I presume, widely discredited: but not so the belief that he writes with a view specially to his Jewish countrymen. See Archbishop Thomson's 'Introduction to the Gospels,' sections 17–25.—W. E. G., 1878.]

‡ Considerations, p. 12.

the Canon, of those who had only the Gospel of St. Mark or St. Luke, or even of those who, while acquainted with both these Gentile Gospels, knew nothing of the Hebrew Gospel of the Jews? We are, of course, open to the reply that a difference is undeniable between the language of St. Matthew on the one hand, and that of St. Mark and St. Luke on the other. But the question is, what is the nature of that difference? Is it a difference which affects universally the structure of the Christian law of marriage, as the adversary contends? If so, it is strange and painfully difficult to account for. Or is it, on the other hand, a difference not affecting the Christian law of marriage at all, but having reference to circumstances that do not touch the validity of the contract, or that were peculiar to the Jewish polity, and fugitive, like that polity? If so, then, as taken in connexion with what we know from other sources of the purposes of these Gospels respectively, the difference, so far from constituting a flaw in the composition of the Holy Scripture, is in admirable accordance with its purpose, and contributes to its perfection.

23. And here it is time for us to remark, that, as regards the essential point in the whole dispute, that of freedom to re-marry, the opposition between the three Gospels, on which so formidable a fabric has been reared, does not in reality exist at all. It is not St. Matthew, but it is the expositors of St. Matthew, who place him in conflict with St. Mark, St. Luke, and St. Paul. We make our appeal to the text as it stands; and, first of all, even as it stands in our own Authorised Version.

24. The words of St. Mark, in which we insert parentheses only to direct attention to the point at issue, are: "Whosoever shall (put away his wife and) marry another, committeth adultery against her. And if a woman shall

(put away her husband and) be married to another, she committeth adultery." *

The words of St. Luke are: "Whosoever (putteth away his wife and) marrieth another, committeth adultery: and whosoever marrieth her that is put away from her husband, committeth adultery." †

The words of St. Matthew, his only words relating to re-marriage, are: "Whosoever shall marry her that is divorced, committeth adultery;" and again, "Whosoever shall (put away his wife except it be for fornication, and shall) marry another, committeth adultery; and whoso marrieth her which is put away doth commit adultery." ‡

25. St. Mark and St. Luke declare to be guilty of adultery not those who put away their wives, but those who, having put away their wives, marry others. St. Matthew nowhere declares to be innocent of adultery those who marry others; but only (by implication) those, who put away their wives for a particular cause, termed in our Bible fornication. But, like St. Mark and St. Luke, he declares of a divorced woman what they declare both of a divorced woman and of a divorced man, namely, that to marry with such a person is adultery.

26. But here it will be said that the leave given by implication in St. Matthew to put away a wife for fornication includes, by similar implication, a permission to marry another. Granting, for the moment, that the leave to put away is given, we demur to this extension of it. *Why* are we to hold that leave to put away is leave to re-marry? We admit that the Mosaic permission to divorce in Deuteronomy§ included a permission of re-

* Mark x. 11, 12.
† Luke xvi. 18.
‡ Matt. v. 32, and xix. 9.
§ Deut. xxiv. 2.

marriage; but this Mosaic permission is, in express terms, related by St. Matthew himself, to have been cancelled by our Lord. "Moses, because of the hardness of your hearts, suffered you to put away your wives: but from the beginning it was not so. And I say unto you," &c.* So that, whatever else may have been substituted, it is clear that, at least, the law of Moses on this head has been displaced. And we have the clearest scriptural proof from another source that, under the Christian law, the severance of husband and wife does not of itself include re-marriage; because St. Paul has separated the two things, and where he reluctantly permits the former has expressly prohibited the latter. "Let not the wife depart from her husband: and if she depart, let her remain unmarried, or be reconciled to her husband."† By what authority, then, or upon what ground of reason, is it assumed that a permission to put away for fornication is also, *per se*, a permission to re-marry?

27. It would be surely enough to throw the burden of reply on those whose construction of St. Matthew would place him in conflict with two other Evangelists and with an Apostle. But we need not shrink from adducing positive ground to show that no permission of re-marriage is here given.

In the first place, the exceptive words "saving for the cause of fornication" (chap. v.), and "except it be for fornication" (chap. xix.), are in both the passages of St. Matthew connected by the laws of syntax with the putting away, and not with the re-marriage. Let us illustrate this by a parallel case. Suppose we found this precept: "Whosoever shall flog his son, except it be for disobedi-

* Matt. xix. 8, 9. † 1 Cor. vii. 10, 11.

ence, and put him to death, shall be punishable by law." What should we think of the interpreter who founded upon this sentence the position that a father might, for disobedience, flog his son to death? If the lawgiver intended to give this Draconic permission, the rules of speech would inevitably lead him to a different arrangement of his words; and he would say, "Except it be for disobedience, whosoever shall flog his son and put him to death shall be punishable by law;" or else, "Whosoever shall flog his son and put him to death, except it be for disobedience, shall be punishable by law." And yet St. Matthew, avoiding (on the showing of these torturing expositors) both these natural and regular modes of expression, adopts a method which, by the laws of syntax, defeats his own intention, and this not on one only, but on both the occasions when he deals with the subject.

28. But now let us look at the case on the other side. If the exceptive words give a permission, as we contend, only for putting away and not for re-marriage, everything becomes at once clear and simple; for then the words could only be put in one place of the sentence, and that is the one place in which we actually find them. So that a violent strain must be first of all inflicted on St. Matthew, in defiance of grammatical rules, in order that, through him, a like process may subsequently be applied to the other sacred writers.

29. Even this, however, is not all. We pray the reader to give for the moment a more particular attention to the closing words of St. Matthew in the fifth Chapter, "Whosoever shall marry her that is divorced committeth adultery," and to the corresponding words in the nineteenth chapter. It seems too probable that we translate, in the first case, and in the second, Greek words that are clear

into English words that are ambiguous. The phrases "her that is divorced" in chap. v., and "her which is put away" in chap. xix., are certainly capable of being understood either as "a divorced woman" universally, or "the divorced woman," that is the woman divorced under the particular circumstances just before described, namely, otherwise than for "fornication." But the Greek original is, according to the highest authority, liable to no such ambiguity. We make our appeal to Bishop Middleton,* who has studied the use of the article in the Hellenistic Greek of the New Testament under the lights of modern criticism, and who without hesitation propounds this assertion. He considers it certain, from the now ascertained laws of the Greek language, that, if St. Matthew had meant only to condemn the re-marriage of women divorced otherwise than for "fornication," he must have used the article both in v. 32 and in xix. 9: whereas he has inserted it in neither instance. His expressions are—ὃς ἐὰν ἀπολελυμένην γαμήσῃ, and ὁ ἀπολελυμένην γαμήσας. They precisely correspond in breadth with the expression of St. Luke—ὁ ἀπολελυμένην ἀπὸ ἀνδρὸς γαμῶν;† the

* Middleton on the Greek Article, p. 184, on Matt. v. 32:—"ἀπολελυμένην. Not 'her that is divorced,' but *any one* that is divorced. The distinction may appear frivolous, but the principle of the distinction is important. The force of the precept is, indeed, here the same; but that will not always happen."

Scholefield, Bishop Middleton's editor, suggests a proper verbal amendment, "when she is divorced"; but does not express his dissent from the substance of the Bishop's suggestion. See also pp. 6, 156. In the former the Bishop commends Lord Monboddo's definition of the Greek Article.

"It is the prefix of a noun, denoting simply that the noun to which it is prefixed is the same with that which was before mentioned, or is otherwise well known."—*Middleton*, p. 6.

† xvi. 18.

sense of St. Mark is the same, though the arrangement of the sentence is somewhat different.* The words of all three, therefore, condemn re-marriage of a divorced woman, and condemn it universally, in terms which grammatically admit of no other construction. St. Mark and St. Luke differ from St. Matthew in expressly prohibiting the re-marriage of the divorced man, as well as of the woman; but under the sanction of none of the three Evangelists can any divorced woman be re-married; a fact which cannot be denied, which is of itself directly conclusive of half the question, and which, on the principles of the Christian law, ought to settle the whole of it.

30. Sustained by such authority as we have quoted, we press even up to the condemnation of re-marriage the argument derived from the absence of the article in St. Matthew. But this argument, though sound, is not necessary. In vain is an attempt made to exempt from the general condemnation of re-marriage with a divorced woman the particular case of a woman divorced for adultery and then re-married; because under the Jewish law no such case could exist, since the only judicial method of dealing with adultery was by capital punishment.

31. In fact, it appears, upon a close inspection of the several passages, that the popular sentiment rather strongly inverts the truth of the case, as between the three Evangelists. On the re-marriage of the woman they are, both in the spirit and in the letter, precisely at one. On the re-marriage of the man they are admitted to agree, except in the case where the woman has been put away for "fornication," and there too they agree, if the words of

* Mark x. 12.

St. Matthew in his nineteenth Chapter are taken in their natural order and meaning, and not read under the influence of extraneous prepossession. But it is curious to remark that, as respects the simple putting away of the woman, St. Matthew is in reality the most stringent among them. For St. Mark and St. Luke have no prohibition against the putting away of the woman for any cause, unless re-marriage follows. But St. Matthew, by intimating that in a particular case it may be permitted, inferentially condemns it in every other case.

32. We have brought the argument up to this point, on the supposition that the words of St. Matthew in chap. v. 32, and chap. xix. 9, set up a real exception, and that, setting apart re-marriage, a full divorce may take place under their authority in the case of "fornication" or adultery by the wife. But we must now proceed to question the whole even of this supposition. We have shown that the exception, if set up, goes naturally only to the point of putting away, and not to that of liberty to re-marry. But, moreover, we demur to the assumption that the words necessarily set up an exception at all; and we demur to the further assumption that, if set up, it can be certainly said to be set up in favour of the case of adultery.

33. This subject has been discussed with care and learning by the 'Barrister.' The words of exception in St. Matthew, v. 32, are παρέκτος λόγου πορνείας: and he justly argues that their whole force is to exclude the thing named from the scope of the proposition altogether, but that they rule nothing whatever in an affirmative sense respecting it.* They would, he observes, instead

* Considerations, p. 17.

of "saving for the cause of," be more correctly rendered "apart from the question of," "without reference to the subject of," or "independently of a case of." By an exception we mean that which is capable of coming within a rule, but is taken out of it. The words παρέκτος λόγου far more properly designate that which does not belong to the rule at all in its proper signification, but is really irrelevant, though standing in some apparent relation to it. The one is a case of what contradicts a rule; the other a case of what does not belong to it, and is in no manner touched by it.

34. In the corresponding passage of the nineteenth chapter of St. Matthew, the received reading of the words of exception, on which our translation has been founded, was εἰ μὴ ἐπὶ πορνείᾳ. In this case the rendering is unimpeachable; but it is far otherwise with the reading itself. The 'Barrister' shows* that long ago high authorities have given the preference to μὴ ἐπὶ πορνείᾳ, *non ob fornicationem*, which seems to reduce the phrase nearly to an equivalent of that in St. Matthew. Among these authorities it appears that we may name the Complutensian edition, Griesbach, Lucas Brugensis, Selden, and the late Dr. Burton. But the result of the most recent researches upon the text is to be found, we apprehend, in the Greek Testament of Lachmann; and he reads the clause in the very words of St. Matthew, παρέκτος λόγου πορνείας. Thus the evidence upon the words† all tends to show that their operation is not to except, properly so called, but to set aside, by what, borrowing from the

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* Page 32.

† [The words translated "and shall marry another" are not in the *Codex Vaticanus*. See the Tischendorf N. T., Tauchnitz Ed.—W. E. G., 1878.]

fashion of our betters, expressed in Parliamentary usage, we may term the previous question. Our Lord therefore in this clause should be understood to say, "I do not now speak at all of the case of πορνεία, but as to every other case I tell you that whosoever," and so forth.

35. But now we come to that question which the acuteness and learning of Selden found incapable of clear solution; what is the meaning of the "fornication" of the English, the πορνεία of the Greek text? The only thing clear about it is, that the word is not used in its ordinary sense, which confines it to an offence committed by unmarried persons. It has received three principal constructions. Popularly it is and has now for a long time been assumed to mean adultery. Some would make it include all forms of sensual sin. Mr. Davies Morgan, in his well-thought though not so well-written work, 'The Doctrine and Law of Marriage,'* has an elaborate dissertation to show that it means all spiritual incest or apostacy. On the other hand, Milton and the more rebellious spirits, so far as they condescend to deal with Scripture at all, extend it virtually to everything that can be the subject of dislike, which entirely nullifies our Lord's palpable intention to issue, if not a prohibition, yet a limitation of divorce. But very grave and early writers, Origen for example, and even St. Augustine, have greatly questioned whether the meaning of the word could be restricted to a single and that a simply carnal offence.

36. There are certainly serious objections to the received and popularly established sense of adultery for the word "fornication" in this place. For adultery is desig-

* 2 vols. 8vo. Oxford, 1826.

nated by its own proper name in the Greek language (μοιχεία), which, unless it be in this clause of exception, is exclusively employed for it throughout the five passages of the Gospels which bear upon the subject of divorce. There is therefore something strange in the introduction of a different word to express the same idea, the more so as it is marked by being used both times in the clause of exception, as well as by being used in that clause only. In Matthew xv. 19, and in Mark vii. 21, we find μοιχεία along with πορνεία in the enumeration of sins, from which the latter term would seem to mean, not merely not adultery in particular, but rather every form of incontinence except adultery; and again it appears clear that there is no other passage in the New Testament in which the word can be shown to bear the specific sense of adultery.*

37. Still, we are far from saying it may not be properly so understood by a derivative process; that is to say, as the established meaning of the word relates to mercenary lusts, and as from this it passes to incontinence in general, and as the common form of incontinence in a married person is denominated adultery, we do not venture to deny, and will now for argument's sake assume, the construction to be correct. We may, therefore, suppose our Lord to declare in this clause that, setting apart the question of adultery, a man may not put away his wife.

38. But this concession will not in the slightest degree assist the adversary. His aim is to show that a wife may be put away for adultery, so as to leave him free, during her lifetime, to re-marry. But our Saviour's words contain no such statement. Even our opponents, with the

* Schleusner, Lex. Nov. Test.

Greek text in their eye, will admit that they do not contain it explicitly or plainly. But the proposition was one which, if it was meant to be conveyed, especially required to be conveyed in the clearest manner; inasmuch as it was one wholly foreign to the laws of Judæa, which nowhere speak of divorce for adultery. Had such a law existed among the Jews, no doubt an equivocal and indirect allusion might have sufficed; but such a form of speech never could have been the vehicle of an intention of our Lord's, which would actually have gone to repeal an existing and familiar Jewish law, and to put a wholly new one in its place.

39. Instead of doing all this elaborate and ineffectual violence to the text, let us just remember what was the law of the Jews respecting adultery. It was, that both the parties to it should be put to death.* Now, the surrender of a wife to such an operation was evidently susceptible of the general appellation of "putting away," while it was not in reality of the nature of a divorce as far as regards the main question of re-marriage, during the term of the joint lives, since the death of the wife as a matter of course made the husband free. From that passage in St. John, which relates to the woman taken in adultery, we perceive that it was not our Lord's intention to disturb, by direct injunction of his own, the existing judicial and penal system. For he did not forbid the stoning, but only exacted that it should be done by those who had not themselves offended; a proceeding which was in entire harmony with the trial by the waters of jealousy ordered in Deuteronomy. Just as plainly, when He said, "Neither do I condemn thee," he did not give

* Deut. xxii. 20–24.

his sanction to her being divorced, but rather pointed to her being again received by her husband.

40. Viewed in this light, the supposed exception of St. Matthew is no exception at all so far as concerns the case of re-marriage, but is a simple parenthesis; while the tenor of the passage is restored to perfect harmony and clearness, and St. Matthew stands in entire unison with the other Evangelists. The force of the passage, with the parenthesis, appears then to be expressed by a paraphrase such as this: "On the subject of divorce, setting aside the case of adultery or the wife's incontinence, which is provided for by a separate law, I tell you that whosoever puts away his wife causes her to commit adultery; and whosoever marries a woman put away commits adultery." Such a construction of the passage, presuming the parenthesis to refer to adultery, is in every way consistent. It adheres to syntax, follows the natural import of the words, tallies exactly with the state of the Jewish laws, fulfils the condition of intelligibility to the hearers, and not only leaves no discrepancy, between St. Matthew and his co-Evangelists, but gives force and propriety at once to his insertion and to their omission; to the insertion, because it has reference to the ideas and practices of Jews, for whom St. Matthew wrote; and to the omission, because the clause had absolutely no meaning for Gentiles, whom St. Mark and St. Luke had it for their purpose to inform. Nor is it less natural, that St. Paul should avoid any reference to the subject in addressing the Christians of Rome.

41. If, then, we travel so far in company with our opponents as to adopt the common opinion about the meaning of the word translated "fornication," even with this assumption brought in aid their conclusion cannot

stand. On the contrary, it has been justly observed by Bishop Burgess,* that, as the one exception designated by the parenthesis, if it be properly so termed at all, derives its force from the death of the party, *cessante causâ cessat effectus*, it is and can be of no force except where the party dies. But that common opinion of the meaning of the word is far from being supported either by universal authority, or by demonstrative reason. On the contrary, there is no small likelihood that, in conformity with the known language of the Old Testament, the word "fornication" may designate a spiritual and not a sensual evil. Etymologically it is not tied to the one rather than the other sense; and usage will sanction either. The original idea is that of sale and transfer; and some are of opinion that the original word πόρνη means a harlot, because in Greece those unhappy persons had usually been purchased or were purchasable as being slaves. We refer the reader to the Lexicon of Schleusner for instances (take for example Rev. ii. 22), where the unlawful commerce indicated is that of the soul; and to the work of Mr. Davies Morgan,† for reasons and authorities in support of the conclusion that in this passage we ought so to understand it. It will then mean heathenism, idolatry, or apostacy from God. And it is easy to show that such a signification harmonises, perhaps even more remarkably than the sense of adultery, with the Jewish laws, while it is entirely consonant with the doctrine of St. Paul.

42. First as to the Jewish laws. It was absolutely forbidden under the Mosaic law to contract marriages with aliens in religion, as may be seen from Exodus xxxiv. 14–16, and from Deuteronomy vii. 3: "Neither shalt

* Quoted in Morgan, ii. 61. † Vol. ii. p. 88, and Appendix I.

thou make marriages with them: thy daughter thou shalt not give unto his son, nor his daughter shalt thou take unto thy son." They were, therefore, in law originally void. And upon this principle we find that, after the captivity, Ezra rebuked the people in the mass for having taken such wives, and required that they should all be put away; to which the people assented. Nehemiah, for a similar purpose, "contended with them, and cursed them, and smote certain of them, and plucked off their hair, and made them swear by God."* If, then, our Saviour refers to marriages which had been contracted with women that were in spiritual fornication, either they were so when married, or they had become so since. If the former, the case is not one of divorce at all, but of a declaratory process where the marriage had been originally null. If the latter, if the wife had become idolatrous or apostate, the case might be one of divorce in the sense of putting away, and in that sense the words of our Saviour harmonise with the directions of St. Paul; but, as we have already shown, the authority to put away does not, *per se*, involve authority to re-marry, and the question of re-marriage receives its direct and decisive settlement, so far as she is concerned, under the consentient words of St. Luke, St. Mark, and finally St. Matthew in each of his two passages.

43. As regards the liberty of the man to re-marry, we refer to the previous argument, and to what will presently be said on the subject of desertion. And as to that construction of the word πορνεία, not in our opinion the best supported, which makes it mean all incontinence, the argument of the pamphlet named at the head of

* Ezra, chap. ix. and chap. x. 1–14; Nehemiah xiii. 23–31.

our list sufficiently proves that the parenthesis when thus understood is still essentially and exclusively Jewish, and ceases to operate with the cessation of the Mosaic dispensation.

44. We will now release the reader from this wearisome but necessary inquiry, so far as it relates to the grand fiction of the case, the supposed authority to re-marry in the case of adultery; only subjoining two remarks. The first remark is, that this authority is extended by the Bill from the man to the woman with a strange and self-condemning inconsistency. In the express words of St. Paul and of two Evangelists, with whom the third as we have seen stands in harmony, by the adamantine laws of grammar, the re-marriage of the woman is condemned. With the aid of licentious construing and of arbitrary deduction from the supposed liberty of the man, it is set up again for the case of adultery. It then becomes, one would suppose, a sacred Scriptural right, and nothing remains but the proof of adultery in the husband to entitle the innocent wife to a divorce. But, strange to say, our misinterpreters of Scripture, after having by force extorted from it this freedom for the woman, then by like force withhold from her hands all but a very small modicum of the ill-gotten treasure; for the adultery of the husband is not to entitle the wife to a divorce *a vinculo*; she can only have it when the adultery is joined with desertion, cruelty, bigamy, or incest. Our second remark is, that the misinterpretation of Scripture, now before us, betrays itself, at every step, by new inconsistencies. For if it were tenable, the consequence would be that a woman justly divorced for adultery might re-marry, but that a woman improperly divorced, without fault on her own part, could not. All the re-

marriages, therefore, of women who have been divorced for adulteries have been innocent; but the re-marriages of those, who had been innocent, have been adulteries!

45. We shall deal much more summarily with the other supposed case of Scriptural divorce *a vinculo*, that of desertion; for it admits of being simply handled; and, though we may shortly hear more of it, it has no reference to the legislative scheme now before the world.

St. Paul, in his Second Epistle to the Corinthians, positively forbids the contraction of marriages with unbelievers: μὴ γίνεσθε ἑτεροζυγοῦντες ἀπίστοις, "be ye not unequally yoked together with unbelievers:"* an awkward translation, for the meaning seems rather to be simply "*become* not yoke-fellows with unbelievers." A question, however, could not but arise in infant communities, formed piecemeal out of the Gentile world, how to deal with those cases where one only of a married couple had embraced the Gospel. And this question St. Paul had solved in his First Epistle, but by way of counsel on his own authority. The words where he proceeds to grant a certain liberty are, "But to the rest speak I, not the Lord;"† and, we ask, can anything more touchingly indicate the jealous care of our Lord and Saviour over the great institution of marriage, than that, when a case of temporary anomaly had occurred, which seemed to require a provision in apparent conflict with the general character of its obligations, this leave should be conveyed not direct from the fountainhead of sacred inspiration, but simply as the human thought of Christian wisdom? The effect is that, if in this licence, given by St. Paul, there

* 2 Cor. vi. 13. † 1 Cor. vii. 12.

seem to be anything at variance with the divinely described character of marriage, it is *ipso facto* null.

46. But there is no such contrariety. St. Paul's counsel is that, if the believing husband and unbelieving wife are jointly minded to continue in conjugal union, they may and shall so continue.* "But if the unbelieving depart, let him depart." The words that follow are, "a brother or a sister is not under bondage in such cases:" and if they refer to the case just before described, the meaning seems to be, "if he is resolved to separate, accept the separation; do not attempt to follow him; the marriage tie does not bind you in such cases against the tie of the Christian covenant." But in this contingency of desertion, there is not the faintest allusion to the liberty of re-marriage. That question seems to be ruled effectually, and for the woman expressly, in the negative by the antecedent words (ver. 11), in which St. Paul, speaking now by inspiration, says, "But and if she depart, let her remain unmarried, or be reconciled to her husband."

47. And, finally, let us observe what was the nature of the marriage contract, with which the Apostle is here dealing. It was not the high Christian rite, celebrated by the Church and before God, and by His authority exalted to be a figure of the indissoluble union between Christ and His universal Church; it was the simple contract of marriage, into which men entered by the law of nature outside the pale of revelation, and which, though a healthful institution, and a valid agreement, was not and could not be a full parallel to the marriage of Christians. It is this natural and civil marriage, which

* Ver. 12–15.

St. Paul says may, for difference of religion, be broken by separation. But we leave the reader to judge what parallel there is in the cases, or what inference can be drawn from the liberty of a Christian to remain separate, without re-marriage, upon being deserted by an unbeliever, after a marriage made in heathenism, in favour of the opinion that a Christian, after a Christian marriage, may, when deserted, not simply remain separate, but proceed to re-marry.

48. We have done now with the Scripture argument; and we aver that St. Paul does no more than echo the consentient teaching of all parts of the New Testament when he says to the Romans :*—

"The woman, which hath an husband, is bound by the law to her husband so long as he liveth; but if the husband be dead, she is loosed from the law of her husband.

"So then if, while her husband liveth, she be married to another man, she shall be called an adulteress; but if her husband be dead, she is free from that law; so that she is no adulteress, though she be married to another man."

For Christian marriage is, according to the Holy Scripture, a lifelong compact, which may sometimes be put in abeyance by the separation of a couple, but which never can be rightfully dissolved, so as to set them free, during their joint lives, to unite with other persons.

49. (II.) And now it will be instructive to take a rapid survey of the varied history of marriage in different countries and ages of the world, with reference to some of those restraints upon which its efficacy and sanctity depend.

In setting aside the Mosaic law of divorce, our Lord

* vii. 2, 3.

has emphatically told us that, at and from the beginning, marriage was perpetual, and was on both sides single.

"Moses because of the hardness of your hearts suffered you to put away your wives; but from the beginning it was not so . . . .

"Have ye not read that he, which made them at the beginning, made them male and female.

"And said, For this cause shall a man leave father and mother, and shall cleave to his wife; and they twain shall be one flesh?

"Wherefore they are no more twain, but one flesh."*

Such is the *Magna Charta* of marriage.

50. And with this majestic and beautiful delineation the manners of Greece, in the simplicity of the heroic age, remarkably correspond. Among the Greeks of Homer we find no trace of polygamy, though, to judge from the case of Priam, he imputes it to the Asiatics; and it seems also likely that they may have lapsed into the practice of divorce. On the Greek side, however, as a general rule, we meet with even concubinage only in its mildest form: that is among a part of the Greek chiefs (some would say the whole of them, except Menelaos)† when encamped before Troy, in a prolonged absence from their homes, and with every sign that even this concubinage was single. Agamemnon ‡ intimates an intention to retain Chryseis as a concubine; but in words which seem to show, that this was by no means an ordinary licence. Again, one of the fictions of Odusseus in the Odyssey makes him the grandson of a woman of this class. The only case, however, in which the practice is actually set before us in Greece (except as it is to be inferred from the designation of such and such persons as spurious children), is that of Amuntor, the father of Phoinix; and here, through the active re-

* Matt. xix. 8, 4–6. † Athenæus, xiii. 3. ‡ Il. I. iii.

sentment of the mother, it at once becomes the foundation of a fearful domestic feud. In the families of Odusseus, Laertes, Nestor, Alkinoos, we have no trace of it. Megapenthes, the son of Menelaos, was born of a slave, but this appears to have been after the abduction of Helen;* and the very name, by marking him for a child of sorrow, contains a touching allusion to the calamity which had befallen the father.

51. The illustrious Bellerophon repeats the conduct—perhaps represents the tradition—of Joseph in the house of Potiphar. In Clutaimnestra† the guilt of adultery is by no means swallowed up in that of assassination, and the crimes of Aigisthos are mentioned in the Odyssey as a twofold horror. In the view which the Greeks take of Paris, the criminality of the adulterer is mixed with the shame of poltroonery; in Helen it is palliated by the violence she had suffered. But this last example tells powerfully against the supposition that divorce with remarriage, or even without it, was practised, or perhaps so much as known, in that age and country. For during the very long absence of Helen, Menelaos does not re-marry; and when Troy is taken, she returns naturally and without question to her place both in his household and in his heart. And it is not a little curious, that, as the Iliad disposes of the case of adultery, so the Odyssey settles that of desertion: for Penelope is represented as waiting, after an interval of nineteen years, for positive tidings of the death of her husband, before she will contract a new engagement.

52. In later Greece and Rome, as among the Mahometans of the present day, the practice of divorce was established and regulated by law. It is, however, asserted

* Od. IV. 10–14. † Od. I. 36.

with respect to Rome that there is no case of it on record before that of Carvilius Ruga,* above five hundred years later than the reputed foundation of the city. But, as time passed on, marriage lost its religious and solemn character, and became a loose and voluntary compact; so that, at the period of our Lord's advent, divorce was frightfully common. At this we must not wonder. It would be too much to expect that a strictness, from which the Jews were perforce as it were allowed to depart, and which even Christian nations have not always been able to bear, should have been maintained through thousands of years in the heathen world. It is rather a thing marvellous and admirable, that at any period of heathen history we should find the tie of marriage quite indissoluble, as we seem to find it in Homeric Greece, and in the patriarchal age. With the general decline of manners, we find a constant increase of the boasted liberty of divorce; and Gibbon, no straitlaced judge, after reviewing the course of Roman marriages, records his judgment in these words:—

"A specious theory is refuted by this free and perfect experiment; which demonstrates that the liberty of divorce does not contribute to happiness and virtue."†

53. We must now cast a glance upon the Christian history of marriage. And here the proposition can be made good that, for almost three hundred years from the birth of Christ, we have no appearance whatever of either separation or divorce, except in the case of unbelief; and no licence, however qualified, to re-marry, which it is now pretended that Scripture gives. Nay, even after that

* A.U.C. 525. † 'Decline and Fall,' chap. xliv. vol. viii. p. 60. [Hume, in his Essays, arrives at a similar judgment.—W. E. G., 1878.]

time, it was very gradually that licence crept in. The Pastor of Hermas allows the husband to separate from the wife for idolatry, but not to marry another woman, or to disable himself from receiving her back upon repentance.* Justin Martyr mentions "a Christian woman who separated herself from a heathen and adulterous husband, not on the ground of his adultery, but for the preservation of her own faith and piety;" and the Virgin Thecla cancelled her espousals, on the ground of the hatred of her betrothed husband to the Gospel.† Ptolemaios notices the opposition of the Mosaic law to the Christian one, in that it made marriage dissoluble.‡ Athenagoras treats the prohibition of re-marriage as binding for life even upon widowers and widows. We have to ascertain the sentiments of Tertullian § under the disadvantage caused by his obscurity; but it would be strange indeed if he, who wrote a treatise against such second marriages generally, even after the bond was broken by death, had in any case admitted of them before that rupture. In fact, he appears to have admitted of no exception unless in the case of alien marriages, which he takes to be meant by the term "fornication," and which he treats, not as dissoluble in the proper sense, but as null and void. Marcion, whom he opposed, like Ptolemaios, contrasted the Christian prohibition with the Mosaic permission.

54. Clemens Alexandrinos appears to treat the bond as absolute, and, while allowing not re-marriages but second marriages, commends, nevertheless, those who abstain from them.‖ Origen treats the re-marriage during the

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* I. Mand, 4; Morgan, ii. 148. † Morgan, ii. 151. ‡ ii. 152.
§ Morgan, 154–69; Tertull. de Monog. and adv. Marc. iv. 44.
‖ Morgan, 172.

consort's life as forbidden by Scripture; yet thinks it may be conceded, with qualification, to the infirmity of incontinent men. And this is apparently the very first sign of a disposition in the Church to yield anything to the prevailing manners. The Apostolical Canons, which belong to this period, declare as follows: "If a layman divorce his wife and marry another, or marry a wife divorced by another, let him be separated (from the Church)."* The Council of Eliberis forbids the re-marriage of women, even if they have left their husbands for adultery; but at this time divorce for adultery with re-marriage had begun to be partially recognised for men. The first Council of Arles (A.D. 314) dissuades, but yet does not absolutely condemn, re-marriage of a man who has divorced his wife for adultery.† Late in the third century Lactantius denounces all re-marriage except that of a man for the wife's adultery, thereby conveying the permission in that case; and he is the first of the Fathers who acknowledges the proceeding as a rightful one.

55. In the end of the fourth century, St. Augustine holds that Scripture is obscure upon the point of re-marriage for any husband who is only in the condition of a catechumen; but even in this peculiar case his own judgment condemns it. And he subscribed in A.D. 416 the canon of the Milevitan Council, which absolutely forbids all re-marriage. From this time forward, some division of opinion on the principle of re-marriage of divorced persons must, we apprehend, be admitted to have existed among Christians. But the utmost difficulty still besets the case of those, who seek to show that the Church of Christ gave any sanction to the re-marriage of

* Canon xlvii.; Labbe and Cossart, i. 35.

† Morgan, ii. 177.

women, or to the re-marriage of adulterers, or to the intermarriage of the persons between whom the adultery had taken place. The Apostolical Canon, indeed, which we have quoted, appears to have had the authority of a law of the universal Church; * and it never was set aside at any period by any regulation of equal authority.

56. It seems then that, in the exercise of her commission from Christ, the Church was able to maintain the absolute obligation of the marriage contract, until the extent of her conquests over the masses of a corrupt society, and her alliance with the civil power, brought her into conflict with such a tide of worldly opinion and propensity, as she was not able wholly to withstand. Accordingly the principle of divorce, handed over from Paganism, forced its way into the legislation of the Christian empire, and subsisted there, sometimes, as under Constantine, with a moderate, sometimes, as under Anastasius and the later laws of Justinian,† with a frightful extension; for in these latter cases the principle of divorce by consent, or *bonâ gratiâ*, was largely acknowledged. And strange to say, those Scripturalists of the present day, who conceive that the measure now impending aims at the vindication of Bible freedom against the tyranny of the Church, must fetch almost every one of the authorities that can avail in support of their own interpretation from the post-Nicene period of ecclesiastical history; and the paternity of the system of divorce runs up straight on the one side to Judaism, on the other to the pagan legislation of Rome in its decay.

57. We do not believe that the representation which,

* 'Sequel of the Argument,' &c., p. 173.
† See the Summary in Pouget, Inst. Cathol. ix. 338.

with Mr. Morgan's aid, we have given of the early testimonies can be contradicted. Bingham's account is not so precise as could be wished; but he adduces no evidence which is adverse to it.* The learned and candid author of the 'Sequel,' after a full and comprehensive review, states his conclusion (pp. 173, 187) in yet stronger terms than ours. Milton examined this subject with abundant learning and keen solicitude, and has given us the result towards the close of his Tetrachordon. He cites from the first three centuries only Justin Martyr, Tertullian, and Origen: the first as a witness for severance, not for re-marriage; the second to deduce, by an arbitrary and slippery inference in opposition to the general, and as we think unequivocal sense of the writer, a probability that Tertullian did not condemn re-marriage; and the third with the fair admission that Origen thought Scripture went the other way, but evidently, for the sake of taking advantage of that author's opinion that the "fornication" of St. Matthew could not be confined to simple and literal adultery.†

58. We now traverse a long period, ending with the middle ages, during which the Eastern Church remained in direct alliance and harmony with the State, while the Church of the West, especially in its centre of power at Rome, was comparatively remote from ordinary political influences, and frequently involved in great crises of conflict with the civil power. The consequence was, as might be expected, that the Eastern Church compounded in some degree with the spirit of the Byzantine State, and gave more or less of sanction to re-marriage after divorce.

* Book xxii. chap. ii. sect. 12.

† Milton's Tetrachordon: Prose Works, vol. i. p. 314 (4to. 1753).

We say more or less, for this among other reasons, that, as we are informed, Mr. Neale, the very learned historian of the Eastern Church, contests the wider admissions that have been made on this subject. Doubtless, both in West and East, there was a struggle against the primitive and always unrepealed law; but it ended in the West with the firm establishment (subject only to very rare evasion by legal fictions as to grounds of nullity) of the indissolubility of marriage as a principle of the Canon and of the Statute Law. Thus it was found by the Reformation in England; and thus, thank God, it still continues.

59. But an attempt is made to prepossess our minds adversely to this ancient and venerable law, by insisting upon the fact that we owe it to the times of popery. Now, we have shown that we owe it in the first instance to our Saviour Christ, and to the Apostles and Evangelists. We owe it, next, to the primitive Church. What we owe to the Western Church, and to the Pope as its head during the middle ages, is this; that they vindicated the Christian law of indissoluble marriage against the rudeness of barbarism, and against the rottenness of an exhausted and dead civilisation. "Why should it be thought a thing incredible" with us, that the Church of Rome might here and there, by accident at least, do right?

60. Here, however, we are entertained to another argument of that deplorably fatuous description, which almost makes a man despair of his age, if not of the whole future of his kind. Marriage we are told with the Roman Church is a sacrament, and therefore indissoluble: with us it is not a sacrament, and therefore it should be dissoluble. It moves astonishment to see what a multitude of errors can upon occasion be crowded into a small space; only it unfortunately happens that, instead of

being crushed to death by crowding, like human beings, they live and thrive the better in proportion as the pressure is close and the atmosphere foul, and as the daylight is prevented from getting in among them. Marriage is indissoluble, forsooth, because a sacrament. But the Eastern Church treats marriage as a sacrament, yet its ritual, and, as our antagonists give us to understand, its law, do not treat it as indissoluble.* As, therefore, marriage may be a sacrament and yet dissoluble, so may it cease to be a sacrament and yet remain indissoluble. Why, however, should we be the dupes of a word? As to the substance, it would not be easy, so far as we perceive, to detect much variance from Scripture in the description of marriage by the Council of Trent in the *Doctrina de Sacramento Matrimonii.*† But, to sum up all, not even as respects the mere skeleton of the word can this unhappy argument be sustained. For if those who use it will turn to the Homilies of the Church of England, which are approved by the Articles, they will find these words: "By like holy promise, the *sacrament of matrimony* knitteth man and wife in perpetual love." ‡

61. The opinion of the Roman Church itself does not found the indissolubility of marriage on its character as a sacrament, but only conceives the obligation to be enhanced by that circumstance. *Matrimonium, ut naturæ officium consideratur, et maximè ut Sacramentum, dissolvi non potest.*§ Nor will those friends of the principle of divorce, who admit that Scripture is to be considered in this matter, take any benefit from being rid of the word sacrament,

* See, for instance, Glen King's Rites of the Greek Church, 235 and *seqq.* † Conc. Trid. Sess. xxiv.

‡ Homily on Swearing, part. i.

§ Catech. Rom. ii. De Sacr. Matr. 11.

when they remember that St. Paul terms marriage "a great mystery"; τὸ μυστήριον τοῦτο μέγα ἐστίν.*

62. Nor yet is it easy to ascribe to evil motives the successful struggle of the Western Church to keep marriage indissoluble. This doctrine was not needed in order to secure the intervention of the priest; for this might, as in the East, have been rigidly required, even though the contract were one capable, for certain causes, of determining. And if the Court of Rome has, under the actual state of things, enjoyed a valuable privilege in dealing with cases of nullity, she might on the other hand, by permitting, and at the same time, like the Council of Arles, dissuading divorces, have opened for herself a far wider and richer gold-field in granting dispensations for them.

63. At a particular moment of the Reformation, when foreign influence over the counsels of the English leaders in that great movement was at its zenith, the *Reformatio Legum* was compiled. It abolishes the minor form of divorce *a mensâ et thoro*, and establishes divorce with the right of re-marriage (1) for adultery, (2) for desertion, (3) for deadly quarrels, (4) for cruelty of the husband, (5) for his too long absence; but subject in the last case to the rather ludicrous provision that, if the returning partner can prove that he has been detained from home otherwise than by his own will, he shall again be received into favour, and the unhappy bodkin, though a true and lawful husband, shall be turned adrift.

64. There are probably few who agree with Milton, as to marriage at least, in deeply deploring that this monument of our "sincerest" time did not become law; but in two points the handiwork of the time of Edward VI.

* Eph. v. 30.

is far more highly toned than the slipshod contrivances of the present day. For every privilege (if the word must be so applied) which it secures for the man, it secures equally for the woman also; and it testifies with unequivocal force to the stern reality of the desire to stop adultery. It asserts that that crime might properly be punished with death; and it actually imposes on the offender the penalty not only of forfeiture of half his goods, but with this of exile, or else imprisonment for life.* And when a charge of adultery is met by successful recrimination, both parties are to suffer the penalty of the offence.†

65. It is sometimes stated to have been owing to accident that this code never became law. And an attempt is thus made, as, for example, by the Commissioners of 1853, to invest it with a peculiar force, different from that of other unfulfilled projects of public authority. But the plea is futile. The book, says Strype, "had certainly been ratified, had God spared that King's life (Edward VI.) till another parliament." This appears doubtful.‡ It is of course to be assumed that, even in Tudor times, a code, containing enactments so highly penal, could not have taken practical effect as law without the assent of Parliament. But had it become law under Edward, it would, with the rest of his laws respecting religion, have been repealed by Mary, and its re-enactment would have been considered afresh upon its merits under Elizabeth. It had not then passed into oblivion. It was revised by Archbishop Parker, whose

* Reformatio Legum, p. 50, ed. 1850.

† *Ibid.* p. 57 (De Adult. cap. 17).

‡ Cardwell's Preface to Ref. Legum, p. ix. note; Strype's Parker, vol. ii. p. 62, ed. Oxford, 1821; and elsewhere.

copy of it is not known to exist, but is presumed to be that lately reprinted at Oxford. Foxe and others actually laboured for its adoption by Parliament, while they were taking exception to the Book of Common Prayer. It was referred to a committee of the same party in the House of Commons.* But it proceeded no further. The just presumption is, that it was regarded as one of those measures of "further reformation" which the puritans and foreigners desired, but which were not approved by the Queen, the leading Churchmen, and the bulk of the nation.

66. In the reign of Edward VI. a practical step had, however, already been taken towards the unsettling of that law of marriage, which had prevailed in Christian England from the very earliest times. The Marquis of Northampton had obtained a divorce *a mensâ et thoro* for adultery. The King's delegates pronounced that this was equivalent to a divorce *a vinculo*, and authorised re-marriage. Northampton, who had anticipated the decision by taking another wife, obtained an Act of Parliament to confirm it, evidently upon legal advice, in the last year of the young King's reign. But the Act was repealed under Mary, and was heard of no more.† It serves no other purpose than to show, that, even when sustained by the authority of the Crown, he could not rely on his re-marriage as valid under English law.

67. For nearly a century and a half from the time of the breach with Rome, that is until the year 1670, with the single and transient exception that has just been mentioned, there was no divorce, properly so called, in England. During the Commonwealth, adultery was made

* Cardwell's Preface, p. xii.

† Davies Morgan, ii. 229–31.

capital; but the marriage contract remained indissoluble. Yet in this period Scottish influence was strong, and Milton employed his powerful pen, in a variety of pieces, on behalf of an extended change. In studying these pieces at the present day, the mind may well be divided between admiration of the force and grandeur of their language, and thankfulness that England was found proof against the seduction of the pestilent ideas they convey. It is sad to see, between Judaism, puritanism, and republicanism, how depressed were the conceptions of the Christian doctrine and system, which this lofty genius was not only content to embrace, but enthusiastic to propagate. That, for which he pleads, is a licence of divorce for aversion or incompatibility; the wildest libertine, the veriest Mormon, could not devise words more conformable to his ideas, if indeed we are just to the Mormon sages in assuming that they alienate as freely as they acquire. And all this energetic emotion of Milton's betrays its selfish origin, by the fact that it is man only, whose sufferings in unhappy marriages he commiserates; the wrongs and sorrows of women seem to have been in his view a very secondary affair; indeed he but faintly shows that he was even conscious of their existence.

68. Marriage, he says, was made for man, but woman was made for marriage. When his third wife, who cherished him in blindness and old age, importuned him to accept the generous offer of the Government after the Restoration, and resume his official situation, his considerate reply to her was, "You as other women would ride in your coach; my aim is to live and die an honest man."* The credit due to the Presbyterian party for

* Symmons's 'Life of Milton,' p. 375, 376.

declining to follow this charmer is great, because he, without doubt, charmed most skilfully. The following passage is a fair sample of the powerful strain of his writings on divorce. Nowhere is he more a Poet, whether for music or for majesty, than in his prose:

"Him I hold more in the way to perfection who foregoes an unfit, ungodly, and discordant wedlock, to live according to peace and love and God's institution in a fitter choice, than he who debars himself the happy experience of all godly, which is peaceful conversation in his family, to live a contentious and unchristian life not to be avoided, in temptations not to be lived in, only for the false keeping of a most unreal nullity, a marriage that hath no affinity with God's intention, a daring phantasm, a mere toy of terror, awing weak senses to the lamentable superstition of ruining themselves, the remedy whereof God in his law vouchsafes us. Which not to dare use, he warranting, is not our perfection, is our infirmity, our little faith, our timorous and low conceit of charity; and in them who force us, it is their masking pride and vanity, to seem holier and more circumspect than God."*

69. We come now to the commencement of the *privilegia*, or private Acts, which have been passed to release individuals of high station or of fortune from the operation of the law of England, which by common law, by canon, by immemorial tradition and usage, and by the combined force of statute and canon in the Book of Common Prayer, makes marriage indissoluble. And certainly, if a practice can earn condemnation on account of the circumstances in which it has had its rise, this is the very case for such condemnation. The Bill for the divorce of Lord Rosse, granting him leave to marry again, was pushed forward by those who represented the natural feeling of the people at the time, who desired to bar the

* Tetrachordon, Works, i. p. 301.

succession of the Duke of York by means milder than an Exclusion Bill, and who hoped to draw the King into their measures by opening to him, through this precedent, the prospect of a divorce from his wife, and thus of future issue. Charles himself, as we learn from Evelyn, attended the debate in the House of Lords:*

"I went to Westminster, where in the House of Lords I saw his Majesty sit on his throne, but without his robes, all the Peers sitting with their hats on; the business of the day being the divorce of my Lord Rosse. . Such an occasion and sight had not been seen in England since the time of Henry VIII."†

70. Of eighteen Bishops present, only two, Wilkins and Cosin, supported the Bill, if Evelyn may be trusted. To these the Parliamentary History adds Reynolds, well known as a distinguished Puritan who had conformed. Wilkins was a reputed Latitudinarian. Cosin has left his views upon record. On the Scripture argument he throws no light; assumes the readings and the translation, and appears, where he argues that putting away implies liberty to re-marry, to confound together from carelessness the phraseology of different passages.‡ A partial examination of the historical authorities he quotes has shown us that they cannot be trusted.

71. For instance, he cites as a precedent the marriage by Laud (of which that prelate repented ever after as a "foul offence") of Lady Rich, who had been divorced *a mensâ et thoro*, to the Earl of Devonshire.§ But it appears that in this case there had been a pre-contract‖

* March 22, 1670. † Evelyn's Memoirs, i. 425.
‡ Cosin's Works, vol. iv. p. 489 (Oxford, 1851).
§ Le Bas, 'Life of Laud,' p. 10.
‖ By 32 Henry VIII. c. 38 (A.D. 1541), it was enacted, that no marriage solemnised in the face of the Church and consummate with

between the parties, which Laud at the time took upon himself to treat as annulling the marriage to Lord Rich. Again, he quotes the Constitutions of the Apostles, and those of the English Church under Elizabeth. As to the former, the reference supplied by his editor is to a passage wholly irrelevant:* and as to the Canons of 1597, the reader will be astonished, on referring to them, to find† that they not only are confined to the cases of nullity and separation, but that they actually require that the parties separated shall give that very bond against re-marriage which is still, we believe, uniformly exacted from them.

72. But the Bill passed, though only by a majority of two; the dike was pierced, and the piercing of it was like the letting out of water. Yet the materials of it were stout and firm, and the progress of the evil slow.

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bodily knowledge and fruit of children should be rendered void on account of any pre-contract not so consummate.

By the 2 Edw. VI. (A.D. 1548) this Act (so far as it related to pre-contracts) was repealed.

And in the 3rd year of Queen Anne (Collins *v.* Fesset, Salkeld's Rep. ii. p. 437) it was said by Chief Justice Holt, and agreed to by the whole bench, "that if a contract be *per verba de præsenti*, it amounts to an actual marriage, which the very parties themselves cannot dissolve by release or other mutual agreement; for it is as much a marriage in the sight of God as if it had been *in facie Ecclesiæ*: with this difference, that, if they cohabit before marriage *in facie Ecclesiæ*, they are for that punishable by ecclesiastical censures; and if, after such contract, either of them lies with another, they will punish such offender as an adulterer.

"That if the contract be *per verba de futuro*, and after, either of the parties so contracting, without a previous release or discharge of the contract, marry another, it will be good cause of a dissolution of a second marriage, and of decreeing the first contract's being perfected into a marriage."

In 1753, by the 26 Geo. II. c. 33 (Lord Hardwicke's Act), s. 13, the force of pre-contracts was at last conclusively cancelled.

* Const. Apost. vi. 17. † Cardwell's Synodalia, ii. 154.

"In the 130 years which followed this assumed method of divorce, there were 132 bills of divorce granted by Parliament, namely, eight in the first 45 years, 50 in the succeeding 60 years, and 74 in the last 25 years, terminating in the year 1799."*

73. In the four last years of the series, there had been no less than twenty-nine Divorce Bills. Again, the scope of the Bills has been gradually extended. Cosin forbade the adulteress to re-marry, and such was the rule of the earlier Bills; but the restriction has been withdrawn. There has been maintained, we believe, until the present day, under an order of the House of Lords,† a sham contest between its rules and its practice, which always ends in the establishment of the power of the guilty parties to intermarry if they please. Hence may arise, as Mr. Davies Morgan observes, "a complicated system of collusion and connivance. The wife conceals the faults of the husband, that he may not be debarred of his Bill of Divorce, in the 'benefits' of which she is to participate."‡ The husband and the adulterer may, in certain cases, have their motives for acting in concert. And the House of Commons likewise takes care, in passing Divorce Bills, that the dismissed wife shall not be left without pecuniary provision. The practice of passing these bills is bad, not only because the principle of individual exemptions from general laws is vicious and destructive, but because they exhibit in the face of the country a most offensive example of the power of wealth, and of the privileges of the great, yet indeed they are ἄδωρα δῶρα, privileges of the class which have been termed the "mournful privileges" of Scotland with respect to divorce; while the plea of neces-

* Davies Morgan, ii. 240. See also Parl. Paper, No. 123, Session 2 of 1857 (Commons). † Parl. Rep. vol. li. p. 231.
‡ ii. 242. Compare Paley, iii. 3, 7 (Works, iv. 219).

sity is conclusively answered by the fact, that at no time since the Gospel came into England has divorce ever been accessible to any, except one very limited class of the community.

74. In giving utterance to these strong opinions with respect to the principle of divorce, to the practice of the legislature, and to the corrupt encouragements inseparable from either, it will not we trust be thought, that we impute either licentious or irreligious motives to those who from time to time have accepted what Parliament has unwisely offered them. It is not to be supposed that every individual can for himself examine critically the text of Scripture, and unfold the ponderous tomes of ancient lore, to trace the records of divorce. There is nothing in it, as we freely confess with Paley, that constitutes an offence against that law of universal nature which we have a right to consider as absolutely and unalterably binding on the whole community. Many an afflicted husband has, we doubt not, thought it his absolute duty to society to avail himself of what, if not the law, the legislature tendered to him, as the appointed mode of punishing a great moral and social offence. He may have braced himself to the decision amidst tears and prayers; it may have been to him not only as a stroke of vengeance or an effort for what is called freedom, but an act of heroic and stern self-sacrifice, offered on the altar of public justice.

75. The error has lain not with him, but with us all; with the Parliament that makes a practice of passing these Bills, with the country which has not disapproved the practice of the Parliament. Nay, it ascends still higher, and we must here especially beware of allowing strong and clear conviction on the merits of the argument

to draw us into sweeping censures; because some writers of the Church have themselves yielded in this case, and a considerable part of Christendom has from a remote period been induced to admit that divorce under certain circumstances was allowable, and such divorce as might be followed by re-marriage.

76. (III.) But we must draw towards a close.

It is now proposed that we should, for the sake of meeting a proportion of miscarriages which is at present infinitesimally small, alter the conditions of every marriage contract throughout the kingdom, present as well as prospective, by opening it to contingencies of dissolution which did not exist when it was framed, and which may hereafter, by further onward steps, be greatly multiplied.

It is also proposed that we should change a law which, independently of its higher titles to our assent, is eminently definite and clear; which permits the active obligations of marriage to pass into abeyance for a few well-defined and well-known causes; and which never, for any consideration whatever, permits more. It is plain that great objections may be taken to the minor or ecclesiastical divorce; but it appears to have some sanction from Scripture: * it does not permit the void place to be filled up; it holds out no corrupt inducement, for it offers only privation as the condition, and the safeguard, of relief; above all, it establishes no unpardonable sin, no unalterable severance; the way of penitence, the door of pardon, are still open; and the angels of heaven, who rejoice over a returning offender, may let all their sympathies flow forth when Satan sees his wiles utterly defeated by the complete reinstation, between two separated persons, of

* 1 Cor. vii. 11.

the sacred harmony, the profound and matchless oneness, of Christian marriage.

77. In taking our leap from this well-defined position, we have a right to ask whether we are to land on *terra firma*, or in a quicksand?... Is the change now proposed to be the first of an interminable series? Or if not, what are the qualities in it which, when it shall have been adopted, are to guarantee it against other changes? Is it Scripture, is it authority, or is it reason, on which we are to rely? As to the first, the measure neither stands, nor even proposes to stand, upon Scripture: its promoters use the Divine Word as a pick to disturb the solid fabric of the existing law, and then cast it aside. For the rights of the woman, as drawn from that sacred source, are either much less, or else infinitely greater, than those conceded by the Bill. With respect to reason, we recommend those who favour the measure to ask themselves what possible inducement, except the force of truth, could have led Gibbon, after reviewing the history of marriage and divorce at Rome, and, almost in the very page where he sneers at investing it with a religious character, to pronounce against its dissolution by divorce?

78. Again, let them read the statement of a man who, if ever any man, contemplated the subject in the dry light of pure utility. Paley observes that we cannot justly say that divorce is prohibited by the law of nature; assumes that our Lord permitted it in the single case of adultery; but gives his own judgment upon what the "greatest happiness of the greatest number" would require, in terms which seem to us to imply a rule absolutely without exception:—

"A lawgiver, whose counsels are directed by views of general

utility, and obstructed by no local impediment, would make the marriage contract indissoluble during the joint lives of the parties. . .

"Upon the whole, the power of divorce is evidently and greatly to the disadvantage of the woman; and the only question appears to be, whether the real and permanent happiness of one-half of the species should be surrendered to the caprice and voluptuousness of the other."*

79. A testimony not less remarkable than any of these is that rendered by Hume, who, in his Nineteenth Essay, establishes his conclusions against Divorce, without any exception whatever.

Once more, let them listen to the judgment of Lord Stowell, when, in the name of humanity, he was urged to separate a couple who were living together unhappily:—

"The general happiness of the married life is secured by its indissolubility. When people understand that they must live together, except for a very few reasons known to the law, they learn to soften, by mutual accommodation, that yoke which they know they cannot shake off; they become good husbands and good wives from the necessity of remaining husbands and wives; for necessity is a powerful master in teaching the duties it imposes."†

80. Again, as respects authority: this not inconsiderable power wholly refuses its shelter to the Bill. We do not follow Christian antiquity, we do not follow Roman Imperial law—indeed this would be difficult, from its many fluctuations: we are not to follow the Eastern Church, nor the Church of Rome, nor the foreign Reformers, among whom Bucer went the lengths of Milton, and has accordingly been translated by him, with abridgment:‡ we are not to follow the *Reformatio Legum;* we are not even to conform to the Scottish law, which

* Paley, Mor. Phil. iii. 3, 7. † Sir W. Scott, Tibbs, p. 231.
‡ 'The Judgment of Martin Bucer' (Works, i. 240).

permits divorce for adultery at the suit of the wife, as well as of the husband.* The Bill contemplates a system which has been selected by a purely arbitrary choice, and is by no means better provided with defences for what of restraint it retains, than with reasons for condemning what it abolishes. It is as severely hit by the unanswerable protests of Lord Lyndhurst, as it can be by the powerful eloquence of the Bishop of Oxford, the research of Mr. Keble, or the facts of Van Gerlach. Doubtless its authors have done their best: but the state of the case appears to be this, that, when once the clear ground of indissolubility has been abandoned, there are scanty means, from the very nature of the case, for drawing sharp lines of demarcation between one system and another.

81. If one such line could be drawn anywhere, it would be drawn to separate the case of adultery, or the joint cases of adultery and desertion, from every other case. But neither of these is done by the Bill: it does not recognise the principle of desertion, which can be not less plausibly sustained, as a ground of divorce, from Scripture, than that of adultery; nor does it give effect to its own rule when it forbids the suit of the woman. And in truth, though the case of adultery is different from every other, we demur entirely to the doctrine of those who say, that it differs by being stronger than any other. We earnestly wish that those, who think themselves secure in adopting generally the rule of no divorce *except* for adultery, would consider the arguments of Milton on the equal or greater virulence of other offences against the contract. Nor would they do ill, supposing

* Morgan Davies, ii. 344; Q. R. xlix. 237.

that they really wish to learn the extent of the dangers they are provoking, to read 'Observations on the Marriage Laws, particularly with reference to the case of Desertion;'* and even the 'Thelypthothora, or Defence of Polygamy,' by Mr. Madan, which charges the whole chapter of sins and miseries connected with the relation of man and woman, to the account of marriage, except when mitigated in its strictness by polygamy and divorce.

82. Man, restless under suffering, is apathetic enough as to ascertaining the source of the blessings he enjoys, or paying the debt of gratitude he owes in their behalf. And now we do not seem to know by what great Providence of God—by what vigilance, labour, and courage of men—the institution of marriage has been wrought up, in this fallen and disordered world, to the state of strictness in which we see it, and which renders it the most potent instrument by far, among all laws and institutions, both in mitigating the principle of personal selfishness, and in sustaining and consolidating the fabric of society. When we allow ourselves to speak lightly about vindicating rights and liberties, we forget that beyond all things else marriage derives its essential and specific character from restraint: restraint from the choice of more than a single wife; restraint from choosing her among near relatives by blood or affinity; restraint from the carnal use of woman in any relation inferior to marriage; restraint from forming any temporary, or any other than a life-long, contract.

83. By the prohibition of polygamy, the great institution of marriage concentrates the affection, which its first tendency is to diffuse; by the prohibition of incest, it secures the union of families as well as individuals,

* London, 1815, Hatchard.

9415

and keeps the scenes of dawning life and early intimacy free from the smallest taint of appetite; by the prohibition of concubinage, it guards the dignity of woman and chastens whatever might be dangerous as a temptation in marriage, through the weight of domestic cares and responsibilities; by the prohibition of divorce, above all, it makes the conjugal union not a mere indulgence of taste and provision for enjoyment, but a powerful instrument of discipline and self-subjugation, worthy to take rank in that subtle and wonderful system of appointed means, by which the life of man on earth becomes his school for heaven. But whence came all this elaborate apparatus? It has been Christianity alone, which has been able to restore to us the primitive treasure of mankind, and even to enlarge that treasure.

84. Let it not for a moment be supposed that, when we have set at nought the Christian sanctions, we can look into what we call the law of nature as into a dictionary, which will yield to us, when asked, a certain, and clear, and safe response. The law of nature, that is, its perpetual and universal law, does not, as we know, prohibit much that we now justly repel as incest. The law of nature does not prohibit polygamy or concubinage, or they would not have been permitted to the patriarchs. The law of nature fixes no particular limit to divorce; and we may be travelling towards the time when it will be demanded and obtained for many causes, none of which are forbidden by the law of nature: for sterility; for sensual offences other than adultery; for attempts on life, and other cruelty and violence; for crime; for lengthened absence; for lunacy and idiocy; for contagious or incurable disease: lastly, for that which Scripture seems to place first, for change of religion. We might even add

to the dismal catalogue. If we desire to shut up these sources of progressive innovation, it is not the law of nature which will stand us in stead. The truth is, that our conception of the law of nature itself is, in the main, formed by Christian traditions, habits, and ideas; and that, as we unbind and let down our standard of Christian law, our standard of the natural law will spontaneously sink in proportion.

85. We shall conclude by the brief mention of two other points. One of them is the momentous character of this change, as it regards woman. One of the noblest social achievements of the Gospel has been to elevate the "ministering angel" of the world to a position of perfect equality with a man, in all that relates to the essential prerogatives of personal and spiritual being. It is the most splendid example, without exception, which history affords of the triumph on a large scale of the law of right over the law of force, and of the law of love over the law of lust. This equality, which the piercing sagacity of Aristotle could not discern, nor the ethereal imagination of Plato conceive, is now the simplest elementary conception of every Christian child; for our nurseries know no distinction between the reverence due to the one parent and to the other. Many and many a long century did it take to work out this great result; and those who reproach the English law of marriage with its having subsisted under papal guardianship, should remember that the same period, and the same tract of Christendom, which brought it down in safety, delivered to us along with it that precious legacy of customs and ideas, which has established woman upon the very highest levels of our moral and spiritual existence, for man's benefit no less than for her own.

86. We earnestly protest against a measure, by means of which she is for the first time to be branded by our Statute Book with a revived inequality. We are not careful to weigh the differences in the moral guilt and degradation of adultery, as between man and woman, because they are differences of degree, not principle; of shade, not essence; for the essential heinousness of carnal sin consists, for man and for woman alike, in the profanation it offers to that Lord, into whose Body they are both incorporated by the provisions of the Christian covenant. But this measure, which divorces the woman for adultery, and refuses to divorce the man unless he has added to the adultery certain other acts of very peculiar contumely or cruelty, while it in the first place exempts from punishment at least nineteen twentieths, we might perhaps more correctly say ninety-nine hundredths, of all the adulteries that are committed in England; in the second place too plainly shows, at least in germ, that, while woman in marriage is a servant, the service is not reciprocal; that what is to be punished in man is not the violation of contract with an equal, but is rather the ill-usage of a dependent; savouring by far too much of that saying of Milton, of whose system we are now adopting the first instalment, that marriage was made indeed for man, but woman was made for marriage.*

87. Our last word shall be for the Church, for the reverence due to the religion she teaches, and for the justice and consideration that ought to be paid to the clergy she employs. She has hitherto had in the hands of her officers the general discipline of divorce; and she administers, with the full authority of Parliament, the

* Tetrachordon, Works, i. 282.

sacred rite of marriage in terms which, with the utmost solemnity, stamp it as an engagement for life. By law she can marry no persons except such as shall absolutely and unconditionally promise to be man and wife "so long as they both shall live," and "until death them do part." It is not a little remarkable that the terms of this contract became at the Reformation even more stringent than they had been, for before it they were "till death us depart, if holy Church it will ordain."*

88. With what propriety or decency can it be exacted† of the clergy that they shall forget this compact, which in its terms is absolute, and which by Holy Scripture, and by the law of the Church following Holy Scripture, is for life, and shall re-marry, in virtue of the sentence of a civil court, those who are married already by a sacred rite done and never undone? Only last year the clergy were released by Parliament from a difficulty of a far inferior order; for, being bound by a mere rubrical direction of the Office to marry only upon banns or licence, they were carefully exempted from any compulsion to marry upon the certificate of a registrar. The legislation now threatened will be, we do not hesitate to say, an intolerable burden upon conscience; and it will in our opinion strike a blow at the time-honoured union between Church and State heavier than any which it has yet received. Nor is it less an insult to our religion—supposing for a moment that it were worked not by men but by steam, or by water-power like

* Maskell's 'Occasional Offices,' p. 46; and 'Ancient Liturgies,' Preface, p. clv.

† [The Bill in its progress underwent a modification in this respect, which narrowed and abated these particular objections; but did not do more.—W. E. G., 1878.]

the prayer-mill in Thibet—that we should pretend to efface, by a merely civil process, a rite which that religion consecrates as "a great mystery of the Gospel."

89. A time may come, when society cannot bear the strictness of the Christian law, and will reject the drill, that is necessary to make the soldier. It will then doubtless largely fall back upon that lower conception of marriage, which treats it as a purely civil contract between individuals. It may be said that that time has already come, in a country like England: where, according to the last returns, out of one hundred and sixty thousand marriages, seven thousand six hundred, a number relatively small but absolutely considerable, were celebrated by the Registrar, and therefore with no special religious authority. We are far from saying that the law offends by permitting such marriages as these to persons whose consciences do not enable them to enter into marriage by the way properly Christian. So, then, if there must be re-marriage, let that too be the Registrar's privilege. The day, when marriage is made dissoluble by law in England, will at best be noted in our Calendar with charcoal, not with chalk. But if we are not strong enough to hold the lower portion of society up to Christianity, let us not be mad enough to drag the very rites of Christianity down to the lowered and lowering level of society. Let the salt of the earth still keep its savour, and the darkness of the body be illumined, as far as it may, by the eye that still wakes within it.*

* [I record with regret, after twenty-one years, my conviction that the general soundness of these arguments and anticipations has been too sadly illustrated by the mischievous effect of the measure on the conjugal morality of the country.—W. E. G., 1878.]

III.

THE CHURCH OF ENGLAND AND RITUALISM.*

ἀμέραι δ' ἐπίλοιποι
μάρτυρες σοφώτατοι.
PINDAR.

ADVERTISEMENT.

To this reprint of two articles from the *Contemporary Review*, on subjects which have much disturbed the Church of England, I prefix an observation on a single point, that of attaching doctrinal significance to external usages.

I have nowhere questioned that there are outward usages, which may and must be of doctrinal significance. My proposition is simply this; that, where external usages have become subjects of contention, and that contention is carried to issue in courts of law, the field should not be unnecessarily widened; and the usage should not be interpreted for judicial purposes with reference to this or that particular dogma, so long, but of course only so long, as it naturally and unconstrainedly bears (p. 145) some sense not entailing such a consequence.

Within the last few weeks has been withdrawn from

* [First reprinted, with revision, in 1875, from the *Contemporary Review* of October 1874 and of July 1875. Now reprinted anew.]

amongst us by Death, in the maturity of his years and honour, the venerated Dean Hook, the greatest parish priest of his age. I believe he had taken his part, in a decided and public manner, against the prohibition of the eastward position of the consecrator in the celebration of the Lord's Supper. I am glad to have an opportunity of showing, as I think conclusively, how little it was in his mind hereby to exclude the laity from their full participation in the solemn act, by citing a passage from a private letter which he addressed to a young clergyman in 1842, when questions of outward usage were debated among us with what all *now see* to have been a needless heat and violence. "I am afraid that many in their zeal for the Church forget Christ, and in maintaining the rights of the Clergy forget the rights of the laity; who are, as well as the Clergy, priests unto the Most High God, and who indeed have as large a portion of the Sacrifice of Prayer and Praise assigned to them in the Prayer Book as the Clergy."

I seek to show, by this extract, how innocent must have been, in the mind of this admirable man, the usage of the eastern position; and how unwise and unjust it would have been, in his case among others, to attach to it the "doctrinal significance" of an intention to exclude the laity from their share in the Eucharistic offering.

I believe it may be stated with confidence that there have been times, when the northward position has been recommended, with authority and learning, as being *more* adapted than the eastward one to give full effect to the teaching of the Sacrifice in the Lord's Supper.

The notes appended to this reprint are in brackets.

W. E. G.

12*th November*, 1875.

(I.) RITUAL AND RITUALISM.

1. For some months past, and particularly during the closing weeks of the Session of Parliament, the word Ritualism has had, in a remarkable degree, possession of the public ear, and of the public mind. So much is clear. The road is not so easy, when we proceed to search for the exact meaning of the term. And yet the term itself is not in fault. It admits, at first sight, of an easy and unexceptionable definition. Ritualism surely means an undue disposition to ritual. Ritual itself is founded on the Apostolic precept, "Let all things be done decently and in order;" εὐσχημόνως καὶ κατὰ τάξιν, in right, graceful, or becoming figure, and by fore-ordered arrangement, 1 Cor. xiv. 40. The exterior modes of divine service are thus laid down as a distinct and proper subject for the consideration of Christians.

2. But the word Ritualism passes, in the public mind, for something more specific in terms, and also for something more variable, if not more vague, in character. In a more specific form it signifies such a kind and such a manner of undue disposition to ritual as indicate a design to alter at least the ceremonial of religion established in and by this nation, for the purpose of assimilating it to the Roman or Popish ceremonial; and, further, of introducing the Roman or Papal religion into this country, under the insidious form, and silent but steady suasion, of its ceremonial.

3. All this is intelligible enough; and, if we start with such a conception of Ritualism, we, as a people, ought to know what we think, say, and do about it. But there is another and a briefer account which may be given of it.

There is a definition purely subjective, but in practice more widely prevalent than any other. According to this definition, Ritualism is to each man that which, in matter of ritual, each man dislikes, and holds to be in excess. When the term is thus used, it becomes in the highest degree deceptive; for it covers, under an apparent unity, meanings as many as the ripples of the smiling sea; as the shades of antagonism to, or divergence from, the most overloaded Roman ceremonial. When the term is thus employed, sympathy flies, as if it were electricity, through the crowd; but it is sympathy based upon the sound and not upon the sense. Men thus impelled mischievously, but naturally, mistake the strength of their feeling for the strength of their argument. The heated mind resents the chill touch and relentless scrutiny of logic. There could be no advantage, especially at the present time, in approaching such a theme from this point of view.

4. But perhaps it may be allowable to make an endeavour to carry this subject for a few moments out of the polemical field into the domain of thought. I have but little faith in coercion applied to matter of opinion and feeling, let its titles be ever so clear. But a word spoken in quietness, and by way of appeal to the free judgment and reason of men, can rarely fail to be in season. I propose, accordingly, to consider what is the true measure and meaning of Ritual, in order thus to arrive at a clear conception of that vice in its use which is designated by the name of Ritualism.

5. Ritual, then, is the clothing which, in some form, and in some degree, men naturally and inevitably give to the performance of the public duties of religion. Beyond the religious sphere the phrase is never carried; but the

thing appears, and cannot but appear, under other names. In all the more solemn and stated public acts of man, we find employed that investiture of the acts themselves with an appropriate exterior, which is the essential idea of ritual. The subject-matter is different, but the principle is the same: it is the use and adaptation of the outward for the expression of the inward.

6. It may be asked, Why should there be any such adaptation? Why not leave things to take their course? Is not the inward enough, if it be genuine and pure? And may not the outward overlay and smother it? But human nature itself, with a thousand tongues, utters the reply. The marriage of the outward and the inward pervades the universe.

> "They blended form with artful strife,
> The strength and harmony of life."

And the life and teaching of Christ Himself are marked by a frequent employment of signs in which are laid the ground, and the foreshowing, both of Sacraments and of Ritual.

7. True indeed it is that the fire, meant to warm, may burn us; the light, meant to guide, may blind us; the food, meant to sustain, may poison us; but fire and light and food are not only useful, they are indispensable. And so it is with that universal and perpetual instinct of human nature which exacts of us, that the form given externally to our thoughts in word and act shall be one appropriate to their substance. Applied to the circle of civilised life, this principle, which gives us ritual in religion, gives us the ceremonial of Courts, the costume of Judges, the uniform of regiments, all the language of heraldry and symbol, all the hierarchy of rank and title;

and which, descending through all classes, presents itself in the badges and the bands of Foresters' and Shepherds' Clubs and Benefit Societies.

8. But if there be a marriage ordained by Providence, and pervading Nature of the outward and the inward, it is required in this, as in other marriages, that there be some harmony of disposition between the partners. In the perception of this harmony, a life-long observation has impressed me with the belief that we as a people are, as a rule, and apart from special training, singularly deficient. In the inward realms of thought and of imagination, the title of England to stand in the first rank of civilised nations need not be argued, for it is admitted. It would be equally idle to offer any special plea on its behalf in reference to all classes of developments purely external. The railway and the telegraph, the factory, the forge, and the mine; the highways beaten upon every ocean; the first place in the trade of the world, where population would give us but the fifth; a commercial marine equalling that of the whole of Continental Europe: these may be left to tell their own tale.

9. When we come to pure Art, we find ourselves beaten by great countries, and even, in one case at least, by small.* But it is not of pure Art that I would now speak. It is of that vast and diversified region of human life and action, where a distinct purpose of utility is pursued, and where the instrument employed aspires at the same time to an outward form of beauty. Here lies the great mass and substance of the *Kunst-leben*—the Art-life, of a people. Its sphere is so large, that nothing except pure thought is of right excluded from it. As in the Italian language scarcely a word can be found which is not musical, so a

* Belgium.

music of the eye (I borrow the figure from Wordsworth) should pervade all visible production and construction whatever, whether of objects in themselves permanent, or of those where a temporary collocation only of the parts is in view.

10. This state of things was realised, to a great extent, in the Italian life of the middle ages. But its grand and normal example is to be sought in ancient Greece, where the spirit of Beauty was so profusely poured forth, that it seemed to fill the life and action of man as it fills the kingdoms of Nature: the one, like the other, was in its way a *Kosmos*. The elements of production, everything embodied under the hand or thought of man, fell spontaneously into beautiful form, like the glasses in a kaleidoscope. It was the gallant endeavour to give beauty as a matter of course, and in full harmony with purpose, to all that he manufactured and sold, which has made the name of Wedgwood now, and I trust for ever, famous. The Greeks, at least the Attic Greeks, were, so to speak, a people of Wedgwoods. Most objects, among those which we produce, we calmly and without a sigh surrender to Ugliness, as if we were coolly passing our children through the fire to Moloch. But in Athens, as we know from the numberless relics of Greek art and industry in every form, the production of anything ugly would have startled men by its strangeness, as much as it would have vexed them by its deformity; and a deviation from the law of Taste, the faculty by which Beauty is discerned, would have been treated simply as a deviation from the law of nature.

11. One and the same principle, it need hardly be observed, applies to material objects which are produced once for all, and to matters in which, though the parts may subsist before and after, the combination of them is

for the moment only. The law that governed the design of an amphora or a lamp, governed also the order of a spectacle, a procession, or a ceremonial. It was not the sacrifice of the inward meaning to the outward show: that method of proceeding was a glorious discovery reserved for the later, and especially for our own, time. Neither was it the sacrifice even of the outward to the inward. The Greek did not find it requisite: Nature had not imposed upon him such a necessity. It was the determination of their meeting-point; the expression of the harmony between the two.

12. It is in regard to the perception and observance of this law that the English, nay, the British people, ought probably to be placed last among the civilised nations of Europe. And if it be so, the first thing is to bring into existence and into activity a real consciousness of the defect. We need not, if it exist, set it down to natural and therefore incurable inaptitude. It is more probably due to the disproportionate application of our given store of faculties in other directions. To a great extent it may be true that for the worship of beauty we have substituted a successful pursuit of comfort. But are the two in conflict? And first of all, is the charge against us, as we are, a just one?

13. To make good imputations of any kind against ourselves is but an invidious office. It would be more agreeable to leave the trial to the impartial reflection and judgment of each man. But one of the features of the case is this, that so few among us have taken the pains to form, in such matters, even a habit of observation. And, again, there are certain cases of exception to the general rule. For example, take the instance of our rural habitations. I do not speak of their architecture, nor espe-

cially do I speak of our more pretentious dwellings. But the English garden is proverbial for beauty; and the English cottage garden stands almost alone in the world. Except where smoke, stench, and the havoc of manufacturing and mining operations have utterly deformed the blessed face of Nature, the English cottager commonly and spontaneously provides some little pasture for his eye by clothing his home in the beauty of shrubs and flowers. And even where he has been thus violently deprived of his life-long communion with Nature, or where his lot is cast in huge cities from which he scarcely ever escapes, he still resorts to potted flowers and to the song of caged birds for solace. This love of natural objects, which are scarcely ever without beauty or grace, ought to supply a basis on which to build all that is still wanting.

14. But I turn to another chapter. The ancient ecclesiastical architecture of this country indicates a more copiously diffused love and pursuit of beauty, and a richer faculty for its production, in connection with purpose, than is to be found in the churches of any other part of Christendom. Not that we possess in our cathedrals and greater edifices the most splendid of all examples. But the parish churches of England are as a whole unrivalled; and it has been the opinion of persons of the widest knowledge, that they might even challenge without fear the united parish churches of Europe, from their wealth of beauty in all the particulars of their own styles of architecture.

15. Still, it does not appear that these exceptions impair the force of the general proposition, which is that as a people we are, in the business of combining beauty with utility, singularly uninstructed, unaccomplished, maladroit, unhandy. If instances must be cited, they are not

far to seek. Consider the unrivalled ugliness of our towns in general. Or put Englishmen to march in a procession, and see how, instead of feeling instinctively the music and sympathy of motion, they will loll, and stroll, and straggle; it never occurs to them that there is beauty or solemnity in ordered movement, and that the instruction required is only that simple instruction which, without speech, Nature should herself supply to her pupils.

"Quid facerent, ipsi nullo didicere magistro."

16. Take again—sad as it is to strike for once at the softer portion of the species—the dress of Englishwomen, which, apart from rank and special gift or training or opportunity, is reputed to be the worst in the European world, and the most wanting alike in character and in adaptation. Take the degraded state, in point of beauty, at which all the arts of design, and all industrial production, had arrived among us some fifty years ago, in the iron age of George IV., and before the reaction which has redeemed many of them from disgrace, and raised some to real excellence.

17. But, indeed, in too many cases, our repentance is almost worse than our transgressions. When we begin to imbibe the conception that, after all, there is no reason why attempts should not be made to associate Beauty with usefulness, the manner of our attempts is too frequently open to the severest criticism. The so-called Beauty is administered in portentous doses of ornamentation sometimes running to actual deformity. Quantity is the measure, not quality, nor proportion. Who shall now compete with the awakened Englishwoman for the house of hair built upon her head, or for the measureless extension of her draggling train? Who shall be the rival of

some English architects plastering their work with an infinity of pretentious detail in order to screen from attention inharmonious dimension and poverty of lines?

18. Or—that I may without disguise direct the charge against the mind and spirit of the nation, embodied in its Parliament and its Government—what age or country can match the practical solecisms exhibited in the following facts and others like them? Forty years ago, we determined to erect the most extensive building of Pointed architecture in the world; namely, our Houses of Parliament, or, as they are called, the Palace of Westminster. We entrusted the work to our most eminent Italian architect. Once was pretty well; but once was not enough. So, twenty years ago, we determined to erect another vast building in the Italian style; namely, a pile of public offices, or, as some would call it, a Palace of Administration; and we committed the erection of it to our most experienced and famous architect in the Pointed species. Thus each man was selected for his unacquaintance with the genius of the method in which he was to work.

19. Who can wonder, in circumstances like these, that the spirit and soul of style are so often forgotten in its letter; that beauty itself unlearns itself, and degenerates into mere display; that for the attainment of a given end, not economy of means, but profusion of means, becomes our law and our boast; that, in the Houses of Parliament, dispersion of the essential parts over the widest possible space marks a building where the closest concentration should have been the rule; and that the Foreign Office, which is a workshop, exhibits a Staircase which no palace of the Sovereign can match in its dimensions?

If from the work of creation we turn to the world of

action, the same incapacity of detecting discord, and the same tendency to solecism will appear. In what country except ours could (as I know to have happened) a parish ball have been got up in order to supply funds for procuring a parish hearse?

20. I shall not admit that, in these remarks, I have gone astray from the title and subject of the paper. What is Ritualism? It is unwise, undisciplined reaction from poverty, from coldness, from barrenness, from nakedness; it is overlaying Purpose with adventitious and obstructive incumbrance; it is departure from measure and from harmony in the annexation of appearance to substance, of the outward to the inward; it is the caricature of the Beautiful; it is the conversion of helps into hindrances; it is the attempted substitution of the secondary for the primary aim, and the real failure and paralysis of both. A great deal of our architecture, a great share of our industrial production has been or is, it may be feared, very Ritualistic indeed.

21. Let us now trace the operation of the same principle in the subject-matter of religion. We encounter the same defects, the same difficulties, the same excesses; the same want of trained habits of observation; the same forgetfulness of proportion; the same danger of burying it under a mass of ornament.

22. It must be admitted that the state of things, from which the thing popularly known as Ritualism took historically its point of departure, was dishonouring to Christianity, disgraceful to the nation; disgraceful most of all to that much-vaunted religious sentiment of the English public, which in impenetrable somnolence endured it, and resented all interference with it. Nakedness enough there was, fifty and forty years ago, of divine service and

of religious edifices, among the Presbyterians of Scotland, and among the Nonconformists of England. But, among these, the outward fault was to a great extent redeemed by the cardinal virtues of earnestness and fervour. The prayer of the minister was at least listened to with a pious attention, and the noblest of all the sounds that can reach the human ear was usually heard in the massive swell, and solemn fall, of the united voices of the congregations.

23. But within the ordinary English Parish Church of town or country, there was no such redeeming feature in the action of the living, though the inanimate treasure of the Prayer Book yet remained. Its warmth was stored, like the material of fire in our coal-seams, for better days. It was still the surviving bed or mould, in which higher forms of religious thought and feeling were some day to be cast. But the actual state of things, as to worship, was bad beyond all parallel known to me in experience or reading. Taking together the expulsion of the poor and labouring classes (especially from the town churches), the mutilations and blockages of the fabrics, the baldness of the service, the elaborate horrors of the so-called music, with the jargon of parts contrived to exhibit the powers of every village roarer, and to prevent all congregational singing; and above all, the coldness and indifference of the lounging or sleeping congregations, our services were probably without a parallel in the world for their debasement. As they would have shocked a Brahmin or a Buddhist, so they hardly could have been endured in this country had not the faculty of taste, and the perception of the seemly or unseemly, been as dead as the spirit of devotion.

24. There were exceptions, and the exceptions were

beginning slowly to grow in number: but I speak of the general state of things, such as I can myself recollect it. In some places the older traditions and spirit of the Church had survived all the paralysing influences of the first Hanoverian generations; in others they were commended to the people by the lofty spirit, and English pluck, of men like Dr. Hook; in many cathedrals, with stateliness, a remnant of true dignity was preserved. In a third class of cases the clergy known as Evangelical had infused into their congregations a reverent sense of the purpose for which they met together. For this and for other services these Evangelical clergymen were pointed at with the finger of scorn by men of the very same stamp, as those who are now most fervid in denouncing the opposite section. And it was for reasons not very different; both were open to the charge that they did not thoroughly conform to the prescriptions of the Prayer Book; both were apt to slide into the attitude and feeling of a clique; both rather abounded in self-confidence, and were viewed askance by authority; both, it must be added, were zealous, and felt, or held, to be troublesome.

25. But of the general tone of the services in the Church of England at that time I do not hesitate to say, it was such as when carefully considered would have shocked not only an earnest Christian of whatever communion, but any sincere believer in God; any one who held that there was a Creator and Governor of the world, and that His creatures ought to worship Him. And that which I wish to press upon the mind of the reader is, that this state of things was one with which the members of the Church generally were quite content. It was not by lay associations with long purses that the people were with difficulty and with much resistance awakened out

of this state of things. It was by the reforming Bishops and Clergy of the Church of England. And, though the main source of the evil without doubt lay deeper, such an amount of effort could hardly have been needed, had the faculties and life of Art been more widely diffused in the country.

26. Had we, as a people, been possessed in reasonable measure of that sense of harmony between the inward and the outward, of which I have been lamenting the weakness, it could not indeed have supplied the place of a fervent religious life; but Divine worship, the great public symbol and pledge of that life, never could have fallen so low among us. And I think it has been in some measure from the same defect that, during the exterior revivals of the last forty years, there has been so much misapprehension and miscarriage, so much dissatisfaction and disturbance. More than thirty years have passed since agitation in London, and riot in Exeter, were resorted to for the purpose, as was conscientiously believed, of preserving the purity of the Reformed Religion against the use of the surplice in the pulpit, and of the Prayer for the Church Militant. In vain the Bishops and the clergy concerned made their protests, and averred that they were advising, or acting in simple "obedience to the law." The appeal to that watchword, now so sacred, was utterly unavailing: Popery, and nothing less than Popery, it was insisted, must be the meaning of these changes.

27. To me it appeared at the time that their introduction, however legal, was, if not effected with the full and intelligent concurrence of the flocks, decidedly unwise. But as to these particular usages themselves, I held then, and hold now, that their tendency, when calmly viewed,

must have been seen to be rather Protestant than Popish; that Popery would have led to the use of a different and lower garb in preaching, not to the use of the same vestment which was also to be used for the celebration of the Eucharist; and that no prayer in the Prayer Book bears so visibly the mark of the Reformation, as the Prayer for the Church Militant. Be that as it may, I recollect with pain a particular case, which may serve as a sample of the feeling, and the occurrences, of that day. An able and devoted young clergyman had accepted the charge of a new district parish in one of our largest towns, with trifling emoluments, and with large masses of neglected poor, whom he had begun steadily and successfully to gather in.* Within a year or two an agitation was raised, not in his parish, but in the town at large; it had grown too hot to hold him; and he was morally compelled to retire from his benefice and from the place, for the offences of having preached the morning sermon in the surplice, read the Prayer for the Church Militant, and opened his church for Divine service, not daily, but on all Festivals.

28. The inference to be drawn from this is not an inference of self-laudation: not the ἡμεῖς τοι πατέρων μέγ' ἀμείνονες εὐχόμεθ' εἶναι† but an inference in behalf of a little self-mistrust, and a great deal of deliberation and circumspection in these important matters. For, from a view of the modes which have become usual for the celebration of Divine service, in average churches not saddled with a party name, there appears this rather startling fact, that the congregations of the Church of England in general now practise without suspicion, and

* [The town was Liverpool; the church that of St. Thomas, Toxteth; the clergyman, the Rev. Mr. Wilson.—W. E. G., 1878.]

† Il. iv. 405.

the Parliament, representing the general feeling out of doors, is disposed to enforce, by the establishment of more stringent procedure, what thirty years ago was denounced, and rather more than denounced, as Ritualism.

29. The truth is, that, in the word Ritualism, there is involved much more than the popular mind seems to suppose. The present movement in favour of ritual is not confined to ritualists, neither is it confined even to Churchmen. It has been, when all things are considered, quite as remarkable among Nonconformists and Presbyterians; not because they have as much of it, but because they formerly had none, and because their system appeared to have been devised and adjusted in order to prevent its introduction, and to fix upon it even *in limine* the aspect of a flagrant departure from first principles. Crosses on the outside of chapels; organs within them; rich pointed architecture; that flagrant piece of symbolism, the steeple; windows filled with subjects in stained glass; elaborate chanting; the use of the Lord's prayer, which is no more than the thin end of the wedge that is to introduce fixed forms; and the partial movements in favour of such forms already developed; these are among the signs which, taken all together, form a group of phenomena evidently referable to some cause far more deep and wide-working than mere servile imitation, or the fashion of the day. In the case of the organ, be it recollected that many who form part of the *crême de la crême* of Protestantism have now begun to use that which the Pope, adhering in this respect to primitive usage, does not hear in his own Chapel or his sublime Basilica, and which the entire Eastern Church has ever shrunk from employing in its services.

30. With this I will mention a familiar matter, though it may provoke a smile. It is the matter of clerical costume;

on which I will not scruple to say that, in my judgment, the party of costume is right. A costume for the clergy is as much connected with discipline and self-respect, as an uniform for the army; and is no small guarantee for conduct. The disuse of clerical costume was a recent innovation; but thirty-five or forty years ago the abuse had become almost universal. It was consummated by the change in lay fashions—a very singular one—to a nearly exclusive use by men of black. The reaction began in the cut of the waistcoat, which, as worn by the innovators, was buttoned all the way up to the cravat. This was deemed so distinctly Popish, that it acquired the nickname of "The Mark of the Beast"; and it is a fact that, among the tailors of the west-end of London, this shape of waistcoat was familiarly known as "the M. B. waistcoat." Any one who will now take the pains to notice the dress of the regular Presbyterian or Dissenting minister will, I think, find that, in a great majority of instances, he too, when in his best, wears, like the clergyman, the M. B. waistcoat.

31. True, the distance between these Presbyterian and Nonconforming services, and those of the Church of England, in point of ritual, remains as great, or perhaps greater, than before; but that is because one and the same forward movement has taken possession of both, only the speeds may have been different. I will give a case in point. Five-and-thirty years ago hardly any one had dreamt of a surpliced choir in a parish church. When such an use came in, it was thought to be like a sign of the double superlative in High Churchmanship, and was deemed the most violent experiment yet made upon the patience of the laity. How stands the matter now? As the purity of Welsh Protestantism is well known, I will take an instance from Wales. In a Welsh town, of no

great size, the clergyman of the parish was moved, not long ago, to introduce the surplice for his choir. He determined upon a *plébiscite;* and placed printed slips of paper about the seats, requesting a written aye or no. Near two hundred and fifty answers were given: and of the answers more than four-fifths were ayes.* In truth, there is a kind of ritual race; all have set their faces the same way, and none like to have their relative backwardness enhanced, while the absolute standing-point is continually moved forward.

32. This is matter of fact, and of the very widest reach, compassing a field of which but a little corner was covered by the recent Act of Parliament; and now the question rises to the lip, Ought this matter of fact, which will scarcely be disputed, to be viewed with satisfaction or with displeasure?

In my opinion this is a question extremely difficult to answer; and I will not affect to be able to give it a complete reply. It seems to me that ritual is, in what amount I do not attempt now to inquire, a legitimate accompaniment, nay, effect, of the religious life; but I view with mistrust and jealousy all tendency, wherever shown, either to employ ritual as its substitute, or to treat ritual as its producing cause. All, however, that I have thus far endeavoured to insinuate is, that the subject is a very large one—that it cannot be dealt with offhand—that it is exceedingly significant and pregnant in the manifestations it supplies. If we do not live in one of the great thinking ages, we live in an age which supplies abundant materials of thought; and with the many problems, which we shall

* [Another case almost exactly similar has recently been reported in the newspapers at East Harborne, near Birmingham.]

leave to our children for solution, we may hand down to them the cordial wish that they may make more profitable use of these materials than we have done.

33. If we survey the Christian world, we shall have occasion to observe that ritual does not bear an unvarying relation to doctrine. The most notable proof of this assertion is to be found in the Lutheran communion. It is strongly and, except where opinion has deviated in the direction of rationalism, uniformly Protestant. But in portions of the considerable area over which it stretches, as for example in Denmark, in Sweden and Norway, even on the inhospitable shores of Iceland, altars, vestments, lights (if not even incense) are retained: the clergyman is called the priest, and the Communion Office is termed the Mass. But there is no distinction of doctrine whatever between Swedish or Danish, and German Lutherans: nor, according to the best authorities, has the chain of the Episcopal succession been maintained in those countries. Even in this country, there are some of those clergy who are called Broadchurchmen, nay some who have a marked indifference to doctrine, and what might almost be called a hatred of dogma, yet who also are inclined to musical ornament, and other paraphernalia of Divine service.

34. From these facts, as well as from the growing ritual of the non-Episcopal Christians of this country, we may perceive that the unqualified breadth with which the argument has been drawn from ritual to doctrine in our discussions has evinced something of that precipitancy to which, from the narrow and insular character of his knowledge, as well as from the vigour of his will, the Englishman is particularly liable. Here also, from that deficiency which I have noted in the faculty of adapting the outward to the inward, he is apt to blunder into con-

founding what is only appropriate and seemly with what partakes of excess or invidious meaning. At the same time, an important connection between high doctrine and high ritual is to be traced to a considerable extent in the Church of England, and in commenting on over-statement I do not seek to understate. This connection is, however, for the present hopelessly mixed with polemical considerations, and therefore excluded from the field of these remarks.

35. But there is a question, which it is the special purpose of this paper to suggest for consideration by my fellow-Christians generally, which is more practical and of greater importance, as it seems, to me, and has far stronger claims on the attention of the nation and of the rulers of the Church, than the question whether a handful of the clergy are or not engaged in an utterly hopeless and visionary effort to Romanise the Church and people of England. At no time since the sanguinary reign of Mary has such a scheme been possible. But if it had been possible in the seventeenth or eighteenth centuries, it would still have become impossible in the nineteenth; when Rome has substituted for the proud boast of *semper eadem* a policy of violence and change in faith; when she has refurbished and paraded anew every rusty tool she was fondly thought to have disused; when no one can become her convert without renouncing his moral and mental freedom, and placing his civil loyalty and duty at the mercy of another;* and when she has equally

* [Without receding from the opinion given in the text, I nevertheless believe, as well as hope, that some, at least, who have joined the Latin Church since the great change effected by the Vatican Council, would upon occasion given, whether with logical warrant or not, adhere under all circumstances to their civil loyalty and duty.—W. E. G., 1878.]

repudiated modern thought and ancient history. I cannot persuade myself to feel alarm as to the final issue of her crusades in England, and this although I do not undervalue her great powers of mischief by persevering proselytism.

36. But there are questions of our own religious well-being that lie nearer home. And one of them is whether, as individuals, we can justly and truly say that the present movement in favour of ritual is a healthy movement for each of us; that is whether it gives or does not give us assistance in offering a more collected act of worship, when we enter the temple of the Most High, and think we go there to offer before Him the sacrifice of praise and prayer, and thanksgiving? Of one thing we may be quite certain, and it is this. To accumulate observances of ritual is to accumulate responsibility. It is the adoption of a higher standard of religious profession; and it requires a higher standard of religious practice. If we study, by appropriate or by rich embellishment, to make the Church more like the ideal of the House of God, and the services in it more impressive, by outward signs of His greatness and goodness, and of our littleness and meanness, all these are so many voices addressing us, voices audible and intelligible, though inarticulate; and to let them sound in our ears, unheeded, is an offence against His majesty. If we are not the better for more ritual, we are the worse for it. A general augmentation of ritual, such as we see on every side around us, if it be without any corresponding enhancement of devotion, means more light, but not more love.

37. Indeed, it is even conceivable, nay far from improbable, that augmentation of ritual may import not increase but even diminution of fervour. Such must be the result in every case where the imagery of the eye and

ear, actively multiplied, is allowed to draw off the energy, which ought to have its centre in the heart. There cannot be a doubt that the beauty of the edifice, the furniture, and the service, though their purpose be to carry the mind forward, may induce it to rest upon those objects themselves. Wherever the growth and progress of ritual, though that ritual be in itself suitable and proper, is accepted, whether consciously or unconsciously, and whether in whole or in part, by the individual, as standing in the stead of his own concentration and travail of spirit in devotion, there the ritual, though good in itself, becomes for him so much formality, that is so much deadness.

38. Now there are multitudes of people who will accede at once to this proposition, who will even hold it to be no more than a truism, but with a complacent conviction, in the background of their minds, that it does not touch their case at all. They may be Presbyterians or Nonconformists; or they may be Churchmen whose clergyman preaches against Popery open or concealed, or who have themselves subscribed liberally to prosecute the Rev. this, or the Rev. that, for Ritualism. No matter. They, and their clergyman too, may nevertheless be flagrant Ritualists. For the barest minimum of ritual may be a screen hiding from the worshipper the Object of his worship: nay, will be such a screen, unless the worshipper bestirs himself to use it as a help, and to see that it is not a snare.

39. In the class of cases supposed, the ready acquiescence of a few moments back has by this time probably been converted into a wondering scepticism. And there is at first sight something of paradox in the assertion that all ritual, not only elaborate but modest, not only copious

but scanty, has its dangers. It seems hard to preach suspicion and misgiving against what is generally approved or accepted by the most undeniable Protestants. But the very same person, who errs by making his own conscience in ritual a measure for the consciences of other men, lest they should run to excess, may be himself in surfeit while he dooms them to starve, for what is famine to them may be to him excess; what they can assimilate may be to him indigestible. It is difficult, I think, to fix a maximum of ritual for all times and persons, and to predicate that all beyond the line must be harmful; but it is impossible to fix a minimum, and then to say, up to that point we are safe. No ritual is too much, provided it is subsidiary to the inner work of worship; and all ritual is too much, unless it ministers to that purpose.

40. If there be paradox in this assertion, the explanation of it is not far to seek. It will be found in the removal of a prevailing and dangerous error in kindred subject-matter. It is too commonly assumed that, provided only we repair to our church or our chapel, as the case may be, the performance of the work of adoration is a thing which may be taken for granted. And so it is, in the absence of unequivocal signs to the contrary, as between man and man. But not as between the individual man and his own conscience in the hour of self-review. If he knows anything of himself, and unless he be a person of singularly favoured gifts, he will know that the work of Divine worship, so far from being a thing of course even among those who outwardly address themselves to its performance, is one of the most arduous which the human spirit can possibly set about.

41. The processes of simple self-knowledge are difficult enough. All these, when a man worships, should be fresh

in his consciousness: and this is the first indispensable condition for a right attitude of the soul before the footstool of the Eternal. The next is a frame of the affections adjusted on the one hand to this self-knowledge, and on the other to the attributes and the more nearly felt presence, of the Being before Whom we stand. And the third is the sustained mental effort necessary to complete the act, wherein every Christian is a priest; to carry our whole selves, as it were with our own hands, into that nearer Presence, and, uniting the humble and unworthy *prosphora* with the one full perfect and sufficient Sacrifice, to offer it upon the altar of the heart: putting aside every distraction of the outward sense, and endeavouring to complete the individual act as fully, as when in loneliness, after departing out of the flesh, we shall see eternal things no longer through, but without, a veil.

42. Now, considering how we live, and must live, our common life in and by the senses, how all sustained mental abstraction is an effort, how the exercise of sympathy itself, which is such a power in Christian worship, is also a kind of bond to the visible; and then last of all, with what feebleness and fluctuation, not to say with what wayward duplicity, of intention we undertake the work, is it not too clear that in such a work we shall instinctively be too apt to remit our energies, and to slide unawares into mere perfunctory performance? And where and in proportion as the service of the body is more careful, and the exterior decency and solemnity of the public assembling more unimpeachable, these things themselves may contribute to form important elements of that inward self-complacency which makes it so easy for us, whenever we ourselves are judge and jury as well as "prisoner at the bar," to obtain a verdict of acquittal.

43. In other words, the very things, which find their only sufficient warrant in their capacity and fitness to assist the work of inward worship, are particularly apt to be accepted by the individual himself as a substitute for inward worship, on account of that very capacity and fitness, of their inherent beauty and solemnity, of their peculiar and unworldly type. So that ritual, because it is full of uses, is also full of dangers. Though it is clear that men increase responsibility by augmenting it, they do not escape from danger by its diminution: nothing can make ritual safe except the strict observance of its purpose, namely, that it shall supply wings to the human soul in its callow efforts at upward flight. And such being the meaning of true ritual, the just measure of it is to be found in the degree in which it furnishes that assistance to the individual Christian.

44. The changes, then, in our modes of performing Divine service ought to be answers to the inward call of minds advancing and working upwards in the great work of inward devotion. But, when we see the extraordinary progress of ritual observance during the last generation, who is there that can be so sanguine as to suppose that there has been a corresponding growth of inward fervour, and of mental intelligence, in our general congregations? There is indeed a rule of simple decency to which, under all circumstances, we should strive to rise—for indecency in public worship is acted profanity, and is grossly irreligious in its effects. But, when the standard of decency has once been attained, ought not the further steps to be vigilantly watched, I do not say by law, but but by conscience?

45. There are influences at work among us, far from spiritual, which may work in the direction of formalism

through the medium of ritual. The vast amount of new-made wealth in the country does not indeed lead to a display as profuse in the embellishment of the house of God, as in our own mansions, equipages, or dresses. Yet the wealthy, as such, have a preference for churches and for services with a certain amount of ornament: and it is quite possible that no small part of what we call the improvements in fabrics and in worship may be due simply to the demand of the richer man for a more costly article, and thus may represent not the spiritual growth but the materialising tendencies of the age. Again, there is a wider diffusion of taste among the many, though the faculty itself may not, with the few, have gained a finer edge; and, with this, the sense of the incongruous, and the grotesque, cannot but make some way. Here is another agency, adapted to improving the face and form of our religious services, without that which, as I would contend, is the indispensable condition of all real and durable improvement; namely, a corresponding growth in the appreciation of the inward work of devotion.

46. But a third and very important cause, working in the same direction, has been this. The standard of life and of devotion has risen among the clergy far more generally, and doubtless also more rapidly, than among the laity. It is more than possible that, in many instances, their own enlarged and elevated conception of what Divine service ought to be in order to answer the genuine demands of their own inward life, may have induced them to raise it in their several churches beyond any real capacity of their congregations to appreciate and turn it to account.

47. Even in the theatres of our day, the spectacle

threatens to absorb the drama; and show, which should be the servant, to become the master. Much more is the danger real in the sanctuary, for the function of an audience is mainly passive, but that of a congregation is one of high and arduous, though unseen, activity.

48. But it is time to draw together the threads of this slight discourse upon a subject very far indeed from slight. Whatever may be said of the merits of authoritative and coercive repression in matters of ritual—and I am not very sanguine as to its effects—assuredly they never can dispense with the necessity, or perform the office, of the moral restraints of an awakened conscience. Some may be found to dispute the proposition that their gripe is hard, where a tender touch is needed; but who can question this at least, that they will reach but few, where many require a lesson? Attendance on religious services is governed among us to a great extent, especially in towns, and most of all in the metropolis, by fashion, taste, and liking: but no preference is really admissible in such a matter, except the strict answer of the conscious mind to the question, What degree and form of ritual is it that helps me, and what is it that hampers and impedes me, in the performance of the work for which all congregations of Christians assemble in their several churches?

49. If we consider the nature of Divine Service altogether at large, the presumption is against alteration, as such, in the manner of it. For the nature of God and the nature of man, and the relation of the one to the other, are constant; and in this solemn subject-matter, mere fashion, which is a principle of change questionable even in other departments, and which may be defined as change for its own sake, ought to have no place whatever. The varieties required by local circumstances or tempera-

ments can be no novelties, and will probably in the lapse of time have asserted themselves sufficiently in the subsisting arrangements.

50. But if we limit and regulate our consideration of the case by a careful reference to our own time and country, the presumption is much weakened, possibly in one sense even reversed. For we have been emerging from a period, in which the public worship of God had confessedly been reduced to a state of great external debasement. In this state of things, a Reformation was necessary. Happily, it came; and it surmounted the breakers and the floods of prejudice. There was therefore a presumption not against, but in favour of change of some kind. When, however, the further question was reached of what kind the change ought to be, it remained true that each particular change required to be examined on its own merits, and to make its own case.

51. The tests to be applied would, in language rather popular than exact, be such as the following questions might supply:—

a. Is the change legally binding? an inquiry, in which the element of desuetude cannot be absolutely excluded from the view of a clergyman or of his flock.

b. Is it in its own nature favourable to devout and intelligent adoration of God in the sanctuary?

c. Will it increase, or will it limit, the active participation of the flock in the service?

d. Is it conformable to the spirit of the Prayer Book?

e. Is it agreeable to the desires of this particular congregation?

f. Is it adapted to their religious and their mental condition; and likely to bring them nearer to God in the act of worship, or to keep them further from Him; to

collect or to disperse their thoughts, to warm or to freeze their affections?

It seems to me that, as a general rule, an answer to all these questions should be ready before a change in ritual is adopted: and that, where law interposes no impediment, still, if any of them has to be answered in the negative, such changes can hardly be allowable.

52. Except in the single case where the standard of decency has not been reached, I am wholly at a loss to conceive any excuse for contravening the general sense of a congregation by optional changes in ritual. If the clergyman thinks the matter to be one of principle, should he not instruct them? If he sees it to be one of taste and liking, should he not give way to them? Should he not be the first to perceive and hold that unsettlement in matters of religion is in itself no small evil: and to reflect that, by making precipitately some change which he approves, he may prepare the way and establish the precedent for a like precipitancy in other changes which he does not approve? Especially, what case can there be (except that of decency, and such a case can hardly be probable) in which he will be justified in repelling and dispersing his congregation for the sake of his service?

53. Doubtless it is conceivable, that Divine Service may be rendered by careful ritual more suitable to the dignity of its purpose. But let us take, on the other hand, a church where a ritual thus improved has been forced upon a congregation to whom its provisions were like an unknown tongue, and whom it has therefore banished from the walls of the sanctuary. Is it conceivable that such a spectacle can be a pleasing one in the sight of the Most High? Did Christianity itself come

down into the world in abstract perfection and in full development? or was it not rather opened on the world with nice regard to the contracted pupil of the human eye, which it was gradually to enlarge, unfolding itself from day to day, in successive lessons of doctrine and event, here a little and there a little? The jewels in the crown of the Bride are the flocks within the walls of the temple; and men ever so hard of hearing are better than an empty bench.

54. I will, however, presume to express a favourable inclination towards one class of usages, with a corresponding aversion to their opposites. I heartily appreciate whatever, within the limits of the Prayer Book, tends to augment the active participation of the laity in the services: as, for example, their joining audibly in the recital of the General Thanksgiving; or the aid they may give the clergyman (often so valuable even in a physical point of view) by reading the Lessons.*

55. Again, if ritual be on the increase among us, ought it not to receive at once its complement and (in one sense) its counterpoise, in a greater care, fervency, and power, of preaching? Nothing, in my opinion, is of more equivocal tendency than high ritual with a low appreciation of Christian doctrine. But if there be high ritual and sound doctrine too, these will not excuse inadequate appreciation or use of the power of the pulpit.

* [I notice with pleasure that this practice has not yet suffered the blight of association with party. Again; it is observed truly that there is no pointing of the clauses in the General Thanksgiving, as there is in the General Confession. But the epithet General, used in both cases, appears to suggest like practice in each; though I admit it may also mean a thanksgiving for blessings generally, as distinguished from particular blessings. Without presuming to give an opinion, I may be allowed to hope the practice is not illegal.]

If ritual does its work in raising the temper of devotion, it is a preparation for corresponding elevation in the work of the preacher: and if the preacher is able to warm, to interest, and to edify his hearers, then he improves their means of profiting by ritual, and arms them against its dangers.

56. But if self-will and want of consideration for others have been, and, in a diminished degree, are still, a snare to the clergy, have not we of the laity the same infirmities with far less excuse? Is it not strange to see with what tenacity many a one of us will, when he casually attends a church other than his usual one, adhere to some usage or non-usage perfectly indifferent, but with the effect either of giving positive scandal or of exciting notice, that is, of distracting those around him from their proper work? How is this like the Apostle's rule, who was all things to all men? Or have we found out that the rules of Scripture were made, as well as the discipline of the Church, for the clergy alone? But even if it be the layman's privilege at once to rule the Church and to disobey it at his will, how is it that he does not respect the feelings of other laymen by decently conforming in all matters indifferent to the usages of the congregation to which he has chosen for the nonce to attach himself?

57. It is much to be feared that when the clergyman has unlearned his own unreasonableness, he may still have to endure much from the unreasonableness of some handful of units among his flock. But if he be indeed worthy of his exalted office, he will see in the first place how little charity to the recalcitrant there will be in forcing on them even improvements which to them can only be stumbling-blocks. Next, if he put on the armour of patience and of love, he will soon become aware of its

winning efficacy. Lastly, there is an expedient which is in his own hands, and to which he cannot be prevented from resorting. Those defective perceptions of the outward manner of things, which I take to be national, must often make their mark on the clergy as well as on us of the laity. I remember long ago hearing a clergyman (who left the Church of England a few days later) complain of a want of reverence in his choir boys, with a demeanour, though it was in his beautiful church, fit for a tavern.

58. The first, and last, and most effective article of ritual is deep reverence in the clergyman himself. Nothing can supply its place; and it will go far to supply the place of everything. It abhors affectation; and it does not consist in bowings and genuflexions, or in any definite acts: *nequeo monstrare, et sentio tantum.* The reason why this reverence is the most precious part of ritual, is because ritual in general consists *ex vi termini* in symbol; but reverence means, together with a sign, a thing signified. It lives and moves and has its being in a profound sense of the Divine presence, expressing itself through a suitable outward demeanour. But if the demeanour be without the sentiment, it is not reverence, it is only the husk and shell of reverence.

59. The clergyman is necessarily the central point of his congregation. Their reverence cannot rise above his; and their reverence will if insensibly yet continually approach his. If this be the key-note of the service, questions of ritual will adjust themselves in harmony with it. And one reason why the point may be more safely pressed is, because reverence need not be the property or characteristic of any school in particular. It distinguished the Margaret Chapel of forty years ago,

when the pastors of that church were termed Evangelical. It subsisted in that same chapel thirty years ago, when Mr. Oakley (now, alas! ours no more) and Mr. Upton Richards gave to its very simple services, such as would now scarcely satisfy an average congregation, and where the fabric was little less than hideous, that true solemnity which is in perfect concord with simplicity. The Papal Church now enjoys the advantages of the labours of Mr. Oakley; who united to a fine musical taste, a much finer and much rarer gift, in discerning and expressing the harmony between the inward purposes of Christian worship and its outward investiture, and who then had gathered round him a congregation the most devout and hearty that I (for one) have ever seen in any communion of the Christian world.

60. And now, for my last word, I will appeal to high authority.

In the fourteenth chapter of Saint Paul's First Epistle to the Corinthians may be found, what I would call the code of the New Testament upon ritual. The rules laid down by the Apostle to determine the comparative value of the gifts then so common in the Church will be found to contain the principles applicable to the regulation of Divine service; and it is touching to observe that they are immediately subjoined to that wonderful effusion describing "Charity," with which no ethical eloquence of Greece or Rome can suitably compare. The highest end, in the Apostle's mind, seems to be (v. 5) "that the Church may receive edifying." At present there is a disposition to treat a handful of men as scapegoats; and my fear is not only that they may suffer injustice, but lest far wider evils, than any within their power to cause or cure, should creep onwards unobserved. As rank bigotry, and what is

far worse, base egotistic selfishness may find their account, at moments like this, in swelling the cry of Protestantism, so much of no less rank worldliness may lurk in the fashionable tendency not only to excessive but even to moderate ritual. The best touchstone for dividing what is wrong and defining what is right in the exterior apparel of Divine service will be found in the holy desire and authoritative demand of the Apostle, "that the Church may receive edifying," rather than in abstract imagery of perfection on the one hand, or any form of narrow traditional prejudice on the other.

NOTE.—I subjoin to the article, now reprinted, Six Resolutions, in which, when the Public Worship Bill was before the House of Commons (July 1874), I endeavoured to set forth what appeared to me to offer a more safe and wise basis of legislation.

[1. That, in proceeding to consider the provisions of the bill for the Regulation of Public Worship, this House cannot do otherwise than take into view the lapse of more than two centuries since the enactment of the present Rubrics of the Common Prayer Book of the Church of England; the multitude of particulars embraced in the conduct of divine service under their provisions; the doubts occasionally attaching to their interpretation, and the number of points they are thought to leave undecided; the diversities of local custom which under these circumstances have long prevailed; and the unreasonableness of proscribing all varieties of opinion and usage among the many thousands of congregations of the Church distributed throughout the land.

2. That this House is therefore reluctant to place in the hands of every single Bishop, on the motion of one or of three persons howsoever defined, greatly increased facilities towards procuring an absolute ruling of many points hitherto left open and reasonably allowing of diversity; and thereby towards the establishment of an inflexible rule of uniformity throughout the land, to the prejudice, in matters indifferent, of the liberty now practically existing.

3. That the House willingly acknowledges the great and exemplary devotion of the clergy in general to their sacred calling, but is not on that account the less disposed to guard against the indiscretion, or thirst for power, or other fault of individuals.

4. That the House is therefore willing to lend its best assistance to any measure recommended by adequate authority, with a view to provide more effectual securities against any neglect of or departure from strict law which may give evidence of a design to alter, without the consent of the nation, the spirit or substance of the established religion.

5. That, in the opinion of the House, it is also to be desired that the members of the Church, having a legitimate interest in her services, should receive ample protection against precipitate and arbitrary changes of established custom by the sole will of the clergyman, and against the wishes locally prevalent among them; and that such protection does not appear to be afforded by the provisions of the bill now before the House.

6. That the House attaches a high value to the concurrence of Her Majesty's Government with the ecclesiastical authorities in the initiative of legislation affecting the Established Church.]

[I cannot refuse myself the satisfaction of referring to vol. i., p. 89, where will be found the opinions of the Prince Consort on the best method of checking innovation in the Church.—W. E. G., 1878.]

(II.) IS THE CHURCH OF ENGLAND WORTH PRESERVING?

"*De vitâ et sanguine certant.*"—ÆN. xii. 763.

1. A PAPER contributed to the *Contemporary Review* for October 1874, elicited, together with many expressions of interest and approval, many also of disappointment. There seemed to have been an expectation that the Essay might untie, or cut, the knot of the questions which had been so warmly, if not fiercely, agitated during the preceding Session of Parliament. But it had no such ambitious aim. Its object was, within the limited sphere of my means, simply to dispose men towards reflection; to substitute for the temper of the battle-field, good or needful as in its place that may be, the temper of the chamber, where we commune with our own hearts, and are still. And this was done for two reasons; the first, because all true meditation is dispassionate, and a dispassionate mood is the first indispensable condition for the resolution of controversies; the second, because there seemed to me to be real dangers connected, in the present day, with the merely fashionable accumulation of ritual, more subtle and very much more widely spread than the pronounced manifestations which had recently been so much debated.

2. The season is now tranquil; the furnace, no longer fed by the fuel of Parliamentary contentions among the highest authorities, has grown cool, and may be approached with safety, or, at least, with diminished risk. Those who opposed the Ecclesiastical Titles Bill, in 1851,

in some cases had for their reward (as I have reason to know) paragraphs in "religious" newspapers, stating circumstantially that they had joined the Church of Rome. Those who questioned the Public Worship Act, in 1874, were more mildly, but as summarily, punished in being set down as Ritualists. In the heat of the period, it would have been mere folly to dispute the justice of the "ticketing," or classification.

3. Perhaps it may now be allowed me to say, that I do not approach this question as a partisan. Were the question one between historical Christianity and systems opposed to or divergent from it, I could not honestly profess that I did not take a side. But as regards Ritual, by which I understand the exterior forms of Divine Worship, I have never, at any time of my life, been employed in promoting its extension; never engaged in any either of its general, or its local, controversies. In the question of attendance at this church or that, I have never been governed by the abundance or the scantiness of its ritual, which I regard purely as an instrument, aiming at an end; as one of many instruments, and not as the first among them. To uphold the integrity of the Christian dogma, to trace its working, and to exhibit its adaptation to human thought and human welfare, in all the varying experience of the ages, is, in my view, perhaps the noblest of all tasks which it is given to the human mind to pursue. This is the guardianship of the great fountain of human hope, happiness, and virtue. But with respect to the clothing, which the Gospel may take to itself, my mind has a large margin of indulgence, if not of laxity, both ways.

4. Much is to be allowed, I can hardly say how much, to national, sectional, and personal divergencies; and to

me it is indeed grievous to think that any range of liberty in these respects, which was respected during the storms of the sixteenth century, should be denounced and threatened in the comparative calm of the nineteenth. Reverence, indeed, is a thing indispensable and invaluable; but reverence is one thing, and ritual another; and while reverence is preserved, I would never, according to my own inclination individually, quarrel with my brother about ritual. Nothing, therefore, would be easier than for me, after the manner of those who affect impartiality, to censure sharply the faults which, from our elevated point of view, we detect on both sides. Nothing easier, but few things more mischievous; for what is impartiality between the two, is often gross partiality and one-sidedness in the judgment of each, by reason of its ruthlessly shutting out of view those kernels of truth which are probably on both sides to be found under the respective husks of warring prejudice.

5. Without, however, any assumption of the tone of the critic or the pedagogue, there is one recommendation which may be addressed to both parties in the controversy of ritualism. They should surely be exhorted to cease altogether, or at least to reduce to its minimum, the practice of importing into questions concerning the externals of religion the element of doctrinal significance. The phrase is borrowed from a pamphlet by Dr. Trevor,* which bears the stamp, not only of ability, but of an independent mind. The topic is, in my belief, of deep moment. It cannot, perhaps, be more effectively illustrated than by a reference to the particular article of ritual which has been, more than any other, the subject

* 'Trevor's Disputed Rubrics' (Parker), pp. 13 and *seqq.*

of recent contest—namely, the question whether, during the prayer of consecration in the Office of Communion, the priest shall stand with his face towards the East, or towards the South.

6. By some mental process, which it seems difficult for an unbiassed understanding to comprehend, a controversy, which may almost be called furious, has been raised on this matter. It of course transcends—indeed, it almost scorns—the bounds of the narrower question, whether the one or the other posture is agreeable, or, as may perhaps better be said, is more agreeable, to the legal prescriptions of the rubrics. For it is held, and held on both sides by persons not inconsiderable either in weight or number, that, if the priest looks eastwards at this point of the service, he thereby affirms the doctrines of the Real Presence and the Eucharistic Sacrifice, but that, if on the contrary he takes his place at the north end of the altar or table, he thereby puts a negative on those doctrines.

7. If the truth of this contention be admitted, without doubt the most formidable consequences may then be apprehended from any possible issue of the debate. It is idle to hope that even judges can preserve the balance of their minds, when the air comes to be so thickly charged with storm. We may say almost with certainty that there are many, now reckoned as members of the Church of England, whom, on the one side, the affirmation of those principles would distract and might displace, while, on the other, their negation would precipitate a schism of an enduring character. But if this be even partially true, does it not elevate into an imperious duty, for all right-minded men, that which is in itself a rule of reason —namely, that we should steadily resolve not to annex to any particular acts of external usage a special dogmatic

interpretation, so long as they will naturally and unconstrainedly bear some sense not entailing that consequence?*

8. Now, it seems pretty evident that, in the present instance, the contentions of each of the two parties are perfectly capable of being explained and supported upon grounds having no reference to the doctrines, with which they have been somewhat wilfully placed in a connection as stringent, and perhaps as perilous, as that of the folds of the boa-constrictor. Take, for example, the case in favour of what we may be allowed to call orientation. The bishops of the Savoy Conference laid down the principle, as one founded in general propriety and reason, that when the minister addresses the people he should turn himself towards them, as, for example, in preaching or in reading the lessons from Holy Scripture; but that when, for and with them, he addresses himself to God, there is solecism and incongruity in his being placed as if he were addressing them.

9. The natural course, then, they held to be, that congregation and minister, engaged in a common act, should, unless conformity between the inward and the outward is to be entirely expelled from the regulation of human demeanour, look together in a common direction. When this is done by a clergyman reading the Litany at a faldstool, he commonly turns his back on part of the congregation, and part of the congregation on him. When the same rule is followed in the prayer of consecration, the back of the clergyman is turned towards the entire congregation only from the circumstance that he officiates at the extreme East end of the church. The proper idea of the position is, not that he turns his back

* 'Trevor's Disputed Rubrics' (Parker), pp. 13 and *seqq.*

on the congregation, but that, placed at the head of the congregation, and acting for as well as with them in the capacity of the public organ of the assembled flock, he and they all turn in the same direction, and his back is towards the whole only as the back of the first line of worshippers behind him is towards all their fellow-worshippers. He simply does that, which every one does in sitting or standing at the head of a column or body of men.

10. And if he be a believer in the Real Presence and the Eucharistic Sacrifice, woe be to him in that capacity, unless he has some other and firmer defence for these doctrines than the assumed symbolism of an attitude that he shares with so many Protestant clergymen of Continental Europe, who are known to be bound but little to the first, and are generally adverse to the second of these doctrines. Thus, then, we have, in a particular view of the mere proprieties of the case, a perfectly adequate explanation of the desire to assume the eastward position, without any reference whatever to any given doctrinal significance, be it cherished or be it obnoxious. Let us now turn to the other side of the question, and see whether similar reasoning will not hold good.

11. It does not follow, upon the expulsion of this transcendental element from the discussion, that the objector to the plan of facing eastwards is left without a case, which again is one of simple policy and expediency, from his own point of view. He may, like many of his countrymen, be so wanting in the rudiments of the æsthetic sense, as to think that the most advantageous position for a Christian pastor towards the people is that in which he speaks all the prayers straight into their faces, and the best arrangement for the flock that of the

double pews, in which they are set to look at one another through the service, in order to correct, by mutual contemplation, any excessive tendency to rapt and collected devotion. But it is not necessary to impute to him this irrational frame of mind. He may admit that in the act of prayer, as a rule, minister and people may advantageously look in the same direction. He may renounce the imputation upon his adversaries that, by facing eastwards, they express adhesion to certain doctrines. And he may still point out that there is more to be said.

12. The prayer of Consecration is a prayer not of petition only, but of action too. In the course of it, by no less than five parenthetical rubrics, the Priest is directed to perform as many manual acts; and, quite apart from the legal argument that the reference in the principal rubric to breaking the bread before the people requires the action to be performed in their view, he may contend, if he thinks fit, that for the better comprehension of the service, it is well that they should have the power of seeing all that is required of the Priest respecting the handling of the sacred elements, and that this cannot be seen, or cannot so well be seen, if he faces eastwards, as if, standing at the north end of the holy Table, he faces towards the south.

13. I do not enter into the question whether this argument be conclusive, either as to the legal interpretation of the rubric, with which at present we have nothing to do, or as to the advantage of actual view and the comparative facilities for allowing it. It is enough to show that arguments may be made in perfect good faith, and free from anything irrational, against as well as for the eastward position, without embracing the embittering element of doctrinal significance; that both from the one side and

the other the question may be reasonably debated on general grounds of religious expediency. For if this be so, it becomes in a high degree impolitic, and very injurious to the interests of religion, to fasten upon these questions of position, whether in the sense of approval or of repudiation, significations which they do not require, and which they will only so far bear that, by prejudice or association, we can in any given case assign to words and things a colour they do not of themselves possess. There are surely enough real occasions for contention in the world to satisfy the most greedy appetite, without adding to them those which are conventional; that is to say, those where the contention is not upon the things themselves, but upon the constructions which prejudice or passion may attach to them.

14. Surely if a Zuinglian could persuade himself that the English Communion Office was founded upon the basis of Zuinglian ideas, he would act weakly and inconsistently should he renounce the ministry of the Church because he was ordered to face eastwards during the prayer of consecration; and at least as surely would one, believing in the Catholic and primitive character of the office, be open to similar blame if he in like manner repudiated his function as a priest upon being required to take his place only on the North. Preferences for the one or the other position it is easy to conceive. To varying ideas of worship—and in these later times the idea of worship does materially vary—the one or the other may seem, or may even be, more thoroughly conformable; but strange indeed, in my view, must be the composition of the mind which can deliberately judge that the position at the North end is in itself irreverent, or that facing towards the East is in itself superstitious. Both cannot

be right in a dispute, but both may be wrong; and one of the many ways in which this comes about is when the thing contended for is, by a common consent in error, needlessly lifted out of the region of things indifferent into that of things essential, and a distinction, founded originally on the phantasy of man, becomes the *articulus stantis aut cadentis concordiæ.*

15. It sometimes seems as though, even in the tumult of the Reformation, when the fountains of the great deep were broken up, the general mind must yet have been more solid and steadier, perhaps even more charitable, than now; though the edge of controversies at that epoch was physical as well as moral, and involved, at every sweep of the weapon, national defence and the personal safety or peril of life and limb. Members of the Church of England, even now somewhat irreverent as a body with reference to kneeling in ordinary worship, are nevertheless all content to kneel in the act of receiving the Holy Communion; a most becoming, most soothing, most fraternal usage. General censure would descend upon the man who should attempt to disturb it by alleging that this humble attitude of obeisance too much favoured the idea of paying worship to the consecrated elements. No less certainly, and even more sharply, would he be condemned who, himself believing in the Real Presence, should endeavour to force it home on others as the only key to the meaning of the usage.

16. But who can fail to see that for minds, I will not say jaundiced, but preoccupied with the disposition to attach extreme constructions to outward acts in the direction in which they seem to lean, nothing is more easy than to annex to the kneeling attitude of the receiver in the Holy Eucharist the colour and idea of adoration of the

consecrated elements? So, also, nothing would be more difficult than, when once such a colour has been so annexed, again to detach it effectually, and thus to bring the practice to an equitable judgment. Yet the Church of England, which has unitedly settled down upon the question of kneeling at reception, has resolutely thrust aside the extreme construction, through which a baleful concurrence of opposing partisans might have rendered it intolerable.

17. And this she did, carrying the practice itself without shock or hesitation through all the fluctuations of her Liturgy, during times when theological controversy was exasperated by every mundane passion which either the use of force, or its anticipation, can arouse. It will indeed be strange—should we not rather say it will indeed be shameful—if, after conducting the desperate struggles of the Reformation to their issue, and when we have realised its moral and social fruits for three centuries and a half, we prove to be so much less wise and less forbearing than our less civilised and refined forefathers, that we are to be led, by an aggravated misuse of this practice of gratuitous construction, to create a breach upon a question so much less difficult, so much less calling for or warranting extreme issues, than that which they proved themselves able to accommodate?

18. It may indeed be said, and not untruly, that in a certain sense both the friends and the adversaries of the practice I have been considering are agreed in attaching to it the meaning I presume to deprecate. Where both parties to a suit are agreed, it is idle, we may be told, to dispute what they concur in. Now the very point I desire to bring into clear view is that this is not a suit with two parties to it, but that many, perhaps most, of

those who are entitled to be heard, are not before the court; many, aye multitudes, who think either this question should be let alone, or that if it is not let alone, it should be decided upon dry and cold considerations of law, history, and science, so far as they are found to inhere in it; not judged by patches of glaring colour, the symbols of party, which are fastened upon it from without. If this be a just view, the concurrence of the two parties named above in their construction of the eastward position is no better a reason for the acquiescence of the dispassionate community, than the agreement of two boys at school or in the street to fight, in order to ascertain who is the strongest, is a reason against the interference of bystanders to stop them if they can.

19. There is in political life a practice analogous, as it seems to me, to the practice of needlessly importing doctrinal significance into discussions upon ceremonial. It is indeed a very common fashion to urge that something, in itself good and allowable, has become bad and inadmissible on account of motives imputed to those who ask it. The reforms proposed in 1831 and 1866 were not to be conceded, because they would be used as levers for ulterior extensions of the franchise. The Irish Church was not to be disestablished, because the change would serve as an argument for disestablishing the Church of England. Irish public-houses must not be closed on Sunday where the people desire it, for fear the measure should bring about a similar closing in England, where public opinion is not ripe for it. But then, in the secular world, this very practice is taken as the indication of an illiberal mind, and a short-sighted policy.

20. The truly liberal maxim has ever been that, by granting just claims, you disarm undue demands: that

things should be judged as they are in themselves, and not in the extraneous considerations, and remote eventualities, which sanguine friends and bitter foes oftentimes agree in annexing to them. It is, therefore, with unfeigned surprise, that I read in the work of no mean writer on this rubrical controversy, that in May last he "prayed" that the priest might be allowed to face eastwards, but that he would now refuse it, because "this eastward position is claimed for distinctively doctrinal purposes." I am reluctant to cite a respected name, but it is necessary to give the means of verifying my statement by a reference to Dr. Swainson's 'Rubrical Question of 1874,'* pp. 1, 5. I might, I believe, add other instances of the same unfortunate line of thought; but it is needless, and I gladly refrain.

21. What, then, is the upshot of this extraordinary preference of the worse over the better, the more arbitrary over the direct and inherent construction? It is this, that it heats the blood and quickens the zeal of sympathising partisans. But then it has exactly the same effect upon the partisans of the two opposite opinions. So that it widens breaches, feeds the spirit of mutual defiance, and affords, like abundant alcohol, an intoxicating satisfaction, to be followed by the remorse of the morrow when the mischief has been done. It enhances the difficulties of the Judge's task, and makes hearty acquiescence in his decisions almost hopeless.

22. Wherever this importation of doctrinal significance, I care not from which side, has been effected, it power-

* But, at p. 70, Dr. Swainson, with great candour, states that, if the law be declared adversely to his view, he will at once renounce this imputation of doctrinal significance.

fully tends to persuade the worsted party that the law has been strained against him on grounds extraneous to the argument, and to drive him either upon direct disobedience, or upon circuitous modes of counteracting the operation of any Judgment given. Those, against whom the letter of the law seems to be turned invidiously, are apt to think they may freely and justly avail themselves of it, wherever it is in their favour. Supposing, for example, that, by a judgment appearing to rest on considerations of policy and not of law, the eastward position were to be condemned, who does not see that those who thought themselves wronged might discover ample means of compensation?

23. Some have contended that the clergy, sustained by their flocks, might retrench the services of the parish church; and that, offering within its walls a minimum both of ritual and of the opportunities of worship, they might elsewhere institute and attend services which, under a recent Statute (18 & 19 Vict. c. 86), they believe they might carry on without being subject to the restraints of the Act of Uniformity. I am not aware that this contention can be confuted. If not, it opens to view a real and serious danger. Or again, in the churches themselves, where the clergyman was forbidden to adopt a position construed as implying an excessive reverence, not he only, but, with certain immunity from consequences, his congregation might, and probably would, resort to other external acts, at least as effectual for the same purpose, much more closely related to doctrinal significance, much more conspicuous in themselves, and, perhaps, much more offensive to fellow-worshippers, than the position which had been prohibited. What, upon either of these suppositions, would have been gained by the most signal victory

in the courts, either for truth or for peace, or even for the feelings and objects of those who would be called the winners?

24. I have dwelt at length on this particular subject, not because I imagine the foregoing remarks to offer a solution of existing difficulties, but in order to point out and to avert, if possible, what would make a solution impossible. The very first condition of healthy thought and action is an effort at self-mastery, and the expulsion, from the controversies concerning certain rubrics, of considerations which aggravate those controversies into hopelessness, and which seem to dwell in them, as demons dwell in the bodies of the possessed, till they were expelled by the beneficent Saviour, and left the sufferers at length restored to their right mind. If we cannot fulfil this first condition of sanity, it is, I fear, hopeless to expect that the day of doom for the Established Church of England can be long postponed.

25. It is bad enough, in my opinion, that we should have to adjust these difficulties by the necessarily rude and coarse machinery of Courts of law. I do not disguise my belief, founded on very long and rather anxious observation, that the series of penal proceedings in the English Church during the last forty years, which, virtually though not technically, began with the action of the University of Oxford against Bishop Hampden, have as a whole been mischievous. I make no accusation, in speaking thus, against those who have promoted them. I will not say that they have usually been without provocation, that they could easily have been avoided, that they have been dishonourably instituted, or even vindictively pursued. I do not inquire whether, when they have been strictly judicial, they have or have not generally added

to the fame of our British Judicature for power or for learning.

26. Unhappily they came upon a country little conversant with theological, historical, or ecclesiastical science, and a country which had not been used, for three hundred years, with the rarest exceptions, to raise these questions before the tribunals. The only one of them, in which I have taken a part, was the summary proceeding of the Council of King's College against Mr. Maurice. I made an ineffectual endeavour, with the support of Judge Patteson and Sir B. Brodie, and the approval of Bishop Blomfield, to check what seemed to me the unwise and ruthless vehemence of the majority which dismissed that gentleman from his office. It may be that, in this or that particular case, a balance of good over evil may have resulted. It could not but be that in particular instances some who would not have wished them to be instituted could not wish them to fail. But I have very long been convinced that, as a whole, they have exasperated strife and not composed it; have tempted men to employ a substitute, at once violent and inefficient, for moral and mental force; have aggravated perils which they were honestly intended to avert; have impaired confidence, and shaken the fabric of the Church to its foundations.

27. The experience of half a century ago may, in part, serve to illustrate an opinion which may have startled many of my readers, but which long ago I for one entertained and made known in quarters of great influence. Nothing could be sharper than was, at that time, the animosity of Churchmen in general against what are termed Evangelical opinions. There was language used about them and their proposers in works of authority—such, for instance, as certain tracts of the Society for

Promoting Christian Knowledge—which was not only insolent, but almost libellous. But it seems that the Church at least took to heart the wise counsel which Athenè offered to Achilles, that he should abuse Agamemnon, but not strike him. "Fall foul of him with words, as much as you have a mind: but keep your sword within the scabbard."* The sword, at that period of our Church history, was never drawn; and the controversy settled itself in an advantageous way. Are we driven to admit that there was, among the rulers and the ruled of those days, more of patience, or of faith in moral force, or both; more of the temper of Gamaliel, and less of the temper of Saul?

28. At a later date, it is true that Bishop Philpotts broke the tradition of this pacific policy in the case of Mr. Gorham. But all who knew that remarkable Prelate are aware that he was a man of sole action, rather than of counsel and concert; and it was an individual, not a body, that was responsible for striking the blow, of which the recoil so seriously strained the Church of England.

29. While frankly avowing the estimate I form of the results which have flowed from these penal proceedings in matter belonging to law undoubtedly, but to conscience as well as law, I am far from believing that the public as yet fully shares these views. I must suppose, especially after the legislative proceedings of last year, that my countrymen are well satisfied with the general or average results, and have detected in them what my eyesight has not perceived, a tendency to compose the troubles, and consolidate the fabric, of the Church. My ambition does not, then, soar so high as to ask for a renunciation of the comforts and advantages, which the

* Il. i. 210.

seem to find in religious litigation. All that I am now contending for is that the suits, which may be raised, ought not to be embittered by the opening of sources of exasperation that do not properly belong to them; that contribute absolutely nothing to the legal argument on either side for the elucidation of the rubrics; and that, on the contrary, by inflaming passion, and suggesting prejudice, darken and weaken the intellects, while they excite the susceptibilities, of all concerned.

30. If, as I hope, I may have carried with me some degree of concurrence in the main proposition I have thus far urged, let us now turn to survey a wider prospect. Let us look for a while at the condition of the English Church—its fears and dangers on the one hand, its powers and capacities on the other; and let us then ask ourselves whether duty binds and prudence recommends us to tear it in pieces, or to hold it together.

31. It is necessary first to free the inquiry from a source of verbal misunderstanding. In one and the same body, we see two aspects, two characters, perfectly distinct. That body declares herself, and is supposed by the law of the country to be, the ancient and Catholic Church of the country, while it is also the national Establishment of Religion. In the first capacity, it derives its lineage and commission from our Saviour and the Apostles; in the second, it is officered and controlled by the State. We may speak of holding the Church together, or of holding the Church and the State together. I am far from placing the two duties on the same ground, or assigning to them a common elevation. Yet the subjects are, in a certain form, closely connected; and the form is this. It may be that the continuing union of the Church within herself will not secure without limit the continuing union of the

Church with the State. But it is certain, nevertheless, that the splitting of the Church will destroy its union with the State.

32. Not only as a Church, but as an endowed Establishment, it is, without doubt, still very strong. Sir Robert Peel said, over a quarter of a century ago, in discussing the emancipation of the Jews, that the only dangers of the Church consisted in its internal dissensions. Within that quarter of a century the dangers have increased, but with them has probably increased also the strength to bear them. Menace and peril from without, against the Church as an Establishment, have made ground, but are still within measure. They still represent a minor, not a major, social force; though they are seconded by a general movement of the time, very visible in other countries, and apparently pervading Christendom at large, yet with a current certainly slow, perhaps indefinitely slow. But, though the Church may be possessed of a sufficient fund of strength, there is no redundancy that can be safely parted with. Any secession, if of sensible amount, constituting itself into a separate body, would operate on the National Church with reference to its nationality, like a rent in a wall, which is mainly important, not by the weight of material it detaches, but by the discontinuity it leaves.

33. It is not, indeed, only the severance of the Church into two bodies which might precipitate disestablishment. Obstinacy and exasperation of internal strife might operate yet more effectively towards the same end. The renewal of scenes and occurrences like those of the session of 1874 would be felt, even more heavily than on that first occasion, to involve not only pain, but degradation. The disposition of some to deny to the members of the National

Church the commonest privileges belonging to a religious communion, the determination of others to cancel her birthright for a mess of pottage, the natural shrinking of the better and more refined minds from indecent conflict, the occasional exhibition of cynicism, presumption, ignorance, and contumely, were, indeed, relieved by much genial good sense and good feeling, found, perhaps, not least conspicuously among those, who were by religious profession most widely severed from the National Church.

34. But the mischief of one can inflict wounds on a religious body, which the abstinence and silent disapproval of a hundred cannot heal; and, unless an English spirit has departed wholly from the precincts of the English Church, she will, when the outrage to feeling grows unendurable, at least in the persons of the most high-minded among her children, absolutely decline the degrading relation to which not a few seem to think her born. I pass, then, to consider whether it be a duty or not to keep the Church united, with the negative assumption implied in these remarks, that without such union there cannot be a reasonable hope of saving the Establishment.

35. But it may be said, what is this internal union of the Church, which is professed to be of such value? We have within it men who build, or suppose themselves to build, their religion only upon their private judgment, unequally yoked with those who acknowledge the guiding value of Christian history and witness; men who believe in a visible Church, and men who do not; men who desire a further Reformation, and men who think the Reformation we have had already went too far; men who think a Church exists for the custody and teaching of the truth, and men who view it as a magazine for the collection and parade of all sorts of opinions, to meet the tastes

of all sorts of customers. Nay, besides all this, are there not those who, with such concealment only as prudence may require, question the authority of Holy Scripture, and doubt, or dissolve into misty figure, even the cardinal facts of our redemption enshrined in the Apostles' Creed? What union, compatible with the avowed or unavowed existence of these diversities, can deserve the name, or can be worth paying a price to maintain?

36. Now, before we examine the value or no value of this union, the first question is—does it exist, and how and where does it exist, as a fact?. It does; and it is to be found in the common law, common action and history, common worship, and probably, above all, the common Manual of worship, in the Church. "Though it is accompanied with many divergencies of dogmatic leaning, and though these differences are often prosecuted with a lamentable bitterness, yet in the law, the history, the worship, and the Manual, they have a common centre, to which, upon the whole, all, or nearly all, the members of the body are really and strongly, though it may be not uniformly nor altogether consistently, attached, and which is at once distinctive, and in its measure efficient.

37. Nay, more, it has been stated in public, and I incline to believe with truth, that the rubrics of the Church are at this moment more accurately followed than at any period of her history since the Reformation. Twelve months ago I scandalised the tender consciences of some by pointing out that in a law which combined the three conspicuous features of being extremely minute, very ancient, and in its essence not prohibitive but directory, absolute and uniform obedience was hardly to be expected; perhaps, in the strict meaning of the terms, hardly even to be desired.

38. I admit the scandals of division, and the greater scandals of dissension; but there are, as I believe, fifteen millions of people in this country who have not thrown off their allegiance to its Church, and these people, when they speak of it, to a great extent mean the same thing, and, when they resort to it, willingly concur in the same acts; willingly, on the whole, though the different portions of them each abate something from their individual preferences to meet on common ground; even as Tories, Whigs, and Radicals do the like, to meet on the common ground of our living and working constitution. This union, then, I hold to be a fact, and I contend that it is a fact worth preserving. I do not beg that question: I only aver that it is the question really at issue; and I ask that it may be dispassionately considered, for many questions of conduct depend upon it.

39. The duty of promoting union in religion is elevated by special causes at the present day into a peculiar solemnity: while these causes also envelop it in an extraordinary intricacy. The religion of Christ as a whole, nay, even the pallid scheme of Theism, is assailed with a sweep and vehemence of hostility greater probably than at any former period. While the war thus rages without the wall, none can say that the reciprocal antagonism of Christian bodies is perceptibly mitigated within it, or that the demarcating spaces between them are narrower than they were. Most singular of all, the greatest of the Christian communions, to say nothing of the smaller, are agitated singly and severally by the presence or proximity of internal schism.

40. The Papal Church has gone to war with portions of its adherents in Armenia, in Germany, in Italy, in Switzerland, and elsewhere; besides being in conflict

with the greater number of Christian states, especially of those where the Roman religion is professed. The relations of the Church of England beyond St. George's Channel, however euphemistically treated in some quarters, are dark, and darkening still. Even the immovable East is shaken. The Sclavonic, and the Hellenic, or non-Sclavonic, elements are at present, though without doctrinal variance, yet in sharp ecclesiastical contention; and a formidable schism in Bulgaria, not discountenanced by Russian influences, disturbs at its own doors the ancient and venerable See of Constantinople, with its sister Patriarchates. This is a rude and slight, but I believe an accurate outline. I do not say it carries us beyond, but it certainly carries up to this point: that now, more than ever, our steps should be wary and our heads cool, and that, if we should not disguise the full significance of controversies, neither should we aggravate them by pouring Cayenne pepper into every open wound.

41. I do not say that, in circumstances like these, it becomes the duty of each man to sacrifice everything for the internal unity of his own communion. When that communion, by wanton innovation, betrays its duty, and aggravates the controversies of Christendom, the very best friend to its eventual unity may be he who at all hazards, and to all lengths, resists the revolutionary change. But it would seem that, in all cases where the religious body to which we belong has not set up the *petra scandali*, the presumptive duty of the individual who remains in its communion, to study its peace, is enhanced.

42. Nowhere, in my view, does this proposition apply with such force as to the case of the English Church.

This Church and nation, by an use of their reforming powers, upon the whole wonderfully temperate, within the sphere strictly religious, found for themselves, amidst the tempests of the sixteenth and seventeenth centuries, a haven of comparative tranquillity, from which, for more than two centuries, they have not once been dislodged. Within this haven it has, especially of late years, been amply proved that every good work of the Divine Kingdom may be prosecuted with effect, and every quality that enlarges and ennobles human character may be abundantly reared. I do not now speak of our British Nonconformists, for whom I entertain a very cordial respect, and whose case is not here in question: I confine myself to what is still the National Church; and I earnestly urge it upon all her members that the more they study her place and function in Christendom, the more they will find that her unity, qualified but real, is worth preserving.

43. I will dwell but very lightly on the arguments which sustain this conclusion. They refer first to the national office of this great institution. It can hardly be described better than in a few words which I extract from a recent article in the *Edinburgh Review*:—

"The crown and flower of such a movement was the Elizabethan Church of England. There the watchword was never destruction or innovation; there a simple, Scriptural, Catholic, and objective teaching has preserved us from superstitious and dogmatic vagaries on the one hand, and from the subjective weakness of many of the Protestant sects on the other. To the formation of such a Church the nation gave its strength and its intelligence, viz., that of the idea of More (?), of Shakespeare, and of Bacon; and what is more, the whole nation contributed its good sense, its sobriety, its steadfastness, and its appreciation of a manly and regulated freedom."—*Edinburgh Review*, April 1875, p. 574.

44. There are those who think that bold changes in the law and constitution of the Church, in the direction of developed Protestantism, would bring within its borders a larger proportion of the people. My own opinion is the reverse of this. I look upon any changes whatever, especially of the Prayer Book, if sensible in amount and contentious in character, as simply synonymous with the destruction of the National Establishment. But the matter is one of opinion only; and I fully admit the title of the nation to make any such changes, if they think fit, with such a purpose in view.

45. But, besides her national office and capabilities, the Church of England, in her higher character as a form of the Christian religion, has a position at once most perilous and most precious (I here borrow the well-known expression of De Maistre) with reference to Christendom at large. She alone, of all Churches, has points of contact, of access, of sympathy, touching upon all the important sections of the Christian commonwealth. Liable, more than any other religious body, to see her less stable or more fastidious members drop off from her, now in this direction and now in that, she is, nevertheless, in a partial but not an unreal sense, a link of union between the several fractions of the Christian body. At every point of her frontier, she is in close competition with the great Latin communion, and with the varied, active, and in no way other than respectable, forms of nonconformity.

46. Nor does this represent the whole of the danger which, as to her sectional interests, she daily suffers in detail. She inhabits a sphere of greater social activity than is found in any other country of Europe; she is in closer neighbourhood, throughout her structure, than any other Church, with the spirit of inquiry (I do not say of

research), and is proportionably more liable to defections in the direction of unbelief, or, if that word be invidious, of non-belief, or negation. But this great amount of actual peril and besetting weakness is, in at least a corresponding degree, potential force and usefulness, for others as well as for herself; and no philosophic observer, whatever be his sectional leanings, can exclude her from a prominent place in his survey of Christendom.

47. These things, it seems to me, are not enough considered among us. If they were enough considered, we should be less passionate in our internal controversies. We should recollect that we hold what all admit to be a middle place; that the strain, as in a wheel, is greatest at the centre, the tendency to dislocation is there most difficult to subdue. So we should more contentedly accept the burdens of the position, for the sake of the high, disinterested, and beneficent mission, with which they seem to be allied. Even if I am wrong in the persuasion that much ought to be borne rather than bring about a rupture, I can hardly be wrong in claiming the assent of all to the proposition that we had better not prosecute our controversies wildly and at haphazard, but that we should carefully examine, before each step is taken, what other steps it will bring after it, and what consequences the series may as a whole involve.

48. I am quite aware of the answer which will spring to the lips of some. "The object of the long series of prosecutions, and of the Act of 1874, is to cut out a gangrene from the Church of England; to defeat a conspiracy which aims at reversing the movement of the Reformation, and at remodelling her tenets, her worship, and her discipline, on the basis of the Papal Church: aye, even with all the aggravations of her earlier system,

which that Church has in the latter times adopted." But the answer to this answer is again perfectly ready. If there be within the Church of England a section of clergy or laity, which is engaged in such a conspiracy, it is one extremely, almost infinitesimally, small. I do not now deal with the very different charge against doctrines and practices which are said to *tend* towards the Church of Rome. This charge was made against Laud by the Puritans, and is made against the Prayer Book at large by our Nonconforming friends, or by very many of them.

49. Such allegations did not commence with the revivals of our time. See for example the following extract from 'The Catholic Question: addressed to the Freeholders of the County of York;' on the General Election of 1826, p. 24:—

"All these things, however, are visible in the Church of England: go to a cathedral, hear and see all the magnificent things done there: behold the regiments of wax tapers, the white-robed priests, the mace-bearers; the chaunters, the picture over the altar, the wax-lights and the burnished gold plates and cups on the altar; then listen to the prayers repeated in chaunt, the anthems, the musical responses, the thundering of the organ and the echoes of the interminable roof; and then say, is not this idolatry? it is all the idolatry that the Catholics admit; it is the natural inclination that we have to those weak and beggarly elements, pomp and pride; and which both Catholics and the High Church party think so important in religion. I boldly assert that there is more idolatry in the Church of England than amongst the English Catholics; and for this simple reason, because the Church of England can better afford it. Two-thirds of the Church service is pomp and grandeur; it is as Charles II. used to say, 'the service of gentlemen.' It is for show, and for a striking impression; the cathedral service *is nothing more or less than a mass*, for it is all chaunted from beginning to end, and the people cannot understand a word of it."

50. My special observation on the charge, as it is now advanced, is that those, who *aim* at Romanising the Church, are, at worst, a handful. If, then, the purpose be to put them down, isolate them; attack them (since you think it worth while) in the points they distinctively profess and practise. But is this the course actually taken? Are these points the subjects of the recent prosecutions, of the present threats, of the crowd of pamphlets, of the volumes upon ritual controversy, which daily issue from the press? On the contrary, these prosecutions, these menaces, these voluminous productions, have always for their main, and often for their exclusive, subject the two points of Church law which relate to the position of the consecrator, and to the rubric on ecclesiastical vestments.

51. But now we arrive at a formidable dilemma. Upon the construction of the law on these two points, the prosecuting parties are at variance, not with a handful, but with a very large number, with thousands and tens of thousands, both of the clergy and the laity of the Church of England, whose averments I understand to be these: first, that the law of 1662, fairly interpreted, enjoins the vestments of the First Prayer Book of Edward VI., and the eastward position of the consecrating priest; secondly, that it would be inequitable and unwise to enforce these laws, and that the prevailing liberty should continue; thirdly, that it would be inequitable and unwise to alter them. Are these propositions conclusive evidence of a conspiracy to assimilate the Reformed religion of England to the Papal Church?

52. If they are not, why is the war to be conducted mainly, and thus hotly, in the region they define? If they are, then our position is one of great danger, because it is well known that a very large and very weighty

portion of the clergy, with no inconsiderable number of the laity, proceeding upon various grounds—love of ritual, love of liberty, dread of rupture—are arrayed on the side of toleration against the prosecuting party. It is said to have been declared by persons in high authority, that a large portion of both clergy and laity do entertain the desire to Romanise the Church. I am convinced it is not so; but if it be so, our condition is indeed formidable, and we are preparing (in the phrase of Mr. Carlyle) to "shoot Niagara." For I hold it to be beyond dispute that, whether minor operations of the knife be or be not safe for us, large excisions, large amputations, are what the constitution of the patient will not bear. Under them the Establishment will part into shreds; and even the Church may undergo sharp and searching consequences, which as yet it would be hardly possible to forecast, either in principle or detail.

53. For the avoidance of these dangers, my long cherished conviction still subsists that the best and most effectual remedy is to be found in more largely forbearing to raise contentious issues, and in ceasing to aim at ruling consciences by courts. I say this is the most effectual remedy. For the next best, which is that the parties shall, after full and decisive exposition of the law, submit to the sentence of the tribunals, is manifestly at the best incomplete. The prosecuting party, in the two matters of the Rubric on vestments and the position of the consecrating minister, will doubtless submit to an adverse judgment; but will as certainly, and not without reason from its own point of view, transfer to the legislative arena the agitations of the judicial forum.

54. The Dean of Bristol, who has argued these questions with his usual force and directness, wishes that no altera-

tions should be made in the rubrics, if what is called the Purchas judgment be maintained; but, with his acute eye, he has perhaps shrewd suspicions on that subject; and accordingly he says, if that judgment be not maintained, he is "for such wide agitation, such strong and determined measures, as shall compel [*sic*] the Legislature to give back to the Church its old and happy character of purity."* A pleasant prospect for our old age! But the Dean has this advantage over me. He does not object to the *voies de fait*, and, if only the judgment goes his way, will be quite happy. I am one of those who have the misfortune of being like Falkland in the war of King and Parliament: I shall deplore all disturbing Judgments on the points in question, wholly irrespective of my own sympathies or antipathies.

55. If the prosecutors are defeated, who are strongly (to use a barbarous word) establishmentarian, we shall have agitation for a change in the law, too likely to end in rupture. If they succeed (which I own I find it very difficult to anticipate), we shall have exaggerated but unassailable manifestations of the feeling it has been sought to put down; and, while this is the employment of the *interim*, the party hit, who are by no means so closely tied to the alliance of the Church with the State, will, despairing of any other settlement, seek peace through its dissolution.

56. It may now perhaps in some degree appear why I have pressed so earnestly the severance of these rubrical suits from "doctrinal significance." Could we but expel that noxious element from the debate, could we but see that the two conflicting views of the position and the

* Letter to Rev. Mr. Walker, pp. 23–26.

vestments are just as capable, to say the least, of a large and innocuous as of a specific and contentious interpretation, then we might hope to see therewith a frame of mind among the litigators, capable of acquiescence in any judgment which they may believe to be upright, and to be given after full consideration of the case. Soreness there might be, and murmuring; but good sense might prevail, and the mischief would be limited within narrow bounds.

57. But unhappily men of no small account announce that they care not for the sign, they must deal with the thing signified. They desire the negation by authority of the doctrine of the Real Presence of our Lord and Saviour Christ, and of the Eucharistic Sacrifice; negations which, again, are synonymous with the disruption of the English Church.

58. When prudent men, or men made prudent by responsibility, are associated together for given purposes, whether in a cabinet, or a synod, or a committee, or a board, and they find their union menaced by differences of opinion, they are wont first to test very fully the minds of one another by argument and persuasion. Failing these instruments, both the instinct of self-preservation and the laws of duty combine in prompting them to put off the evil day, and thus to take the benefit of enlarged information, of fresh experience, of the softening influences of association, and of whatever other facilities of solution the unrevealed future may embrace. Why can we not carry a little of this forbearance, founded upon common sense, into religion, and at least fetch our controversies out of the torrid into the temperate zone?

59. The time may, and I hope will, arrive, when a spirit of more diffusive charity, a wider acquaintance with

the language and history of Christian dogma, and a less jealous temper of self-assertion, will enable us to perceive how much of what divides us in the Eucharistic controversy is no better and no worse than logomachy, and how capable men, ridding themselves of the subtleties of the schools and of eschewing heated reactions, may solve what passion and faction have often declared insoluble.

60. But that time has not yet arrived; and, if the doctrine of the Eucharist must really be recast, there are no alternatives before us except on the one hand disruption, on the other postponement of the issue until we can approach it under happier auspices. The auspices are not happy now. There are even those in the English Church who urge with sincerity, and without being questioned by authority, the duty of preaching the "Real Absence,"* and, though these be few, yet some who shrink from the word may be nearly with them in the thing. On the other side, wholly apart from the energy of partisanship, from a Romanising disposition, and from a desire for the exaltation of an order, there are multitudes of men who can patiently endure differences which they believe to be provisional, and adjourn their settlement to a future day; but who believe that the lowering of the sacramental doctrine of the English Church, in any of its parts, will involve, together with a real mutilation of Scriptural and Catholic truth, a loss of her Christian dignity, and a forfeiture of all the hopes associated with her special position in Christendom.

61. Of all sacramental doctrine, none is so tender in this respect as that which relates to the Eucharist. The gross abuses of practice, and the fanciful excesses of

* Rev. Mr. Wolfe on the 'Eastward Position,' p. 4.

theological speculation in the Western Church before the Reformation, compelled the Anglican Reformers to retrench their statements to a minimum, which can bear no reduction, whether in the shape of altered formulæ, or of binding constructions. If, in these times of heat, we abandon the wise self-restraint which in the main has up to a recent time prevailed, it is too probable that wanton tongues, prompted by ill-trained minds, may reciprocally launch their reproaches of superstition and idolatry on the one hand, of heresy and unbelief on the other.

62. Surely prudence would dictate that in these circumstances all existing latitude of law or well-established practice should as a rule be respected; that no conscience be pressed by new theological tests, either of word or action; and that we should prefer the hope of a peaceful understanding, in some even distant future, to the certainty of a ruinous discord, as the fruit of precipitancy and violent courses. One of the strangest freaks of human inconsistency I have ever witnessed is certainly this. We are much (and justly) reminded, with reference to those beyond our pale, to think little of our differences and much of our agreements; but at the same time, and often from the same quarters, we are taught and tempted by example if not by precept, within our own immediate "household of faith," to think incessantly of our differences, and not at all of our much more substantial and weighty agreements.

63. The proposition, then, on which I desire to dwell as the capital and cardinal point of the case is, that heavy will be the blame to those, be they who they may, who may at this juncture endeavour, whether by legislation or by judicial action, and whether by alteration of phrases or by needlessly attaching doctrinal significance to the

injunction or prohibition of ceremonial acts, to shift the balance of doctrinal expression in the Church of England. The several sections of Christendom are teeming with lessons of all kinds. Let us, at least in this cardinal matter of doctrinal expression, wait and learn.

64. We have received from the Almighty, within the last half-century, such gifts as perhaps were hardly ever bestowed within the same time on a religious community. We see a transformed clergy, a laity less cold and neglectful, education vigorously pushed, human want and sorrow zealously cared for, sin less feebly rebuked, worship restored from frequent scandal and prevailing apathy to uniform decency and frequent reverence, preaching restored to an Evangelical tone and standard, the organisation of the Church extended throughout the Empire, and this by the agency, in many cases that might be named, of men who have indeed succeeded the Apostles not less in character than in commission. If we are to fall to pieces in the face of such experiences, it will be hard to award the palm between our infatuation and our ingratitude; and our just reward will be ridicule from without our borders, and remorse from within our hearts.

65. This highly coloured description I desire to apply within the limits only of the definite statement with which it was introduced. But I am far from complaining of those who think the evils of litigation ought to be encountered, rather than permit even a handful of men to introduce into our services evidences of a design to Romanise the religion of the country. I have always, too, been of opinion that effective provision should be made to check sudden and arbitrary innovation as such, even when it does not present features of intrinsic mischief. To me this still appears a wiser and safer basis

of proceeding than an attempt to establish a cast-iron rule of uniform obedience to a vast multitude of provisions sometimes obscure, sometimes obsolete, and very variously understood, interpreted, and applied.

66. But this preference is not expressed in the interest of any particular party, least of all of what is termed the High Church party. For the rubrics, which the Public Worship Act is to enforce, may, with truth, be generally described as High Church rubrics; and the mere party man, who takes to himself that designation, has reason to be grateful to the opposing party for having so zealously promoted the passing of the Act. For my own part, I disclaim all satisfaction in such a compulsory enforcement of rubrics that I approve; and I would far rather trust to the growth of a willing obedience among those who are called Low Churchmen, where it is still deficient. I am far, however, from asserting that all enforcement of the law, beyond what I have above described, must of necessity produce acute and fatal mischiefs. Much folly both of "Reges" and of "Achivi" has been borne, and may yet be borne, if only Judgments shall be such as to carry on their front the note of impartiality, and so long as we avoid the rock of doctrinal significance, and maintain the integrity of the Prayer Book.

67. But I must endeavour, before closing these remarks, to bring into view some further reasons against free and large resort to penal proceedings in regard to the ceremonial of the Church. The remarks I have to offer are critical in their nature, for they aim at exhibiting the necessary imperfections even of the best tribunal; but they do not require the sinister aid either of bitterness or of disrespect.

The first of these remarks is, that the extinction of the separate profession of the civilian, now merged in the general study and practice of the bar, and the consolidation of the Courts of Probate and Admiralty with those of Equity and Common Law, have materially impaired the chances, which have hitherto existed, of not finding in our Judges of ecclesiastical causes the form of fitness growing out of special study. Any reader of the learned Judgments of the Dean of Arches (Sir Robert Phillimore) may perceive the great advantages they derive from this source.

68. It may be thought, with some reason, that episcopal assessors will, in doctrinal cases, help to supply the defect; but it would not be easy to arrange that the most learned Bishops should be chosen as assessors; and the general standard of learning on the bench cannot, under the hard conditions of modern times, be kept very high. The number of individuals must at all times be small, who can unite anything like deep or varied learning with the administrative and pastoral qualities, and the great powers of business and active work, which are now more than ever necessary, and are almost invariably found, in a Bishop.

69 But in questions of ceremonial, the difficulties are greater still. Let any one turn, for example, to the decision on appeal in the Purchas case, as it is the most recent, and seems to be the most contested, of the rubrical decisions. He will find, perhaps with surprise, that it does not rest mainly on considerations of law, but much more upon the results of historical and antiquarian study. Though rightly termed a legal Judgment, and though it of course has plenary authority as to the immediate question it decides, it is in truth, and could not but be,

as to the determining and main portion of it, neither more nor less than a purely literary labour. Now, the authority of literary inquiries depends on care, comprehensiveness, and precision, in collecting facts, and on great caution in concluding from them. There is no democracy so levelling as the Republic of Letters. Liberty and equality here are absolute, though fraternity may be sometimes absent on a holiday. And a literary labour, be it critical, be it technical, be it archæological, when it has done its immediate duty of disposing of a cause, cannot afterwards pass muster by being wrapped in the folds of the judicial ermine. It must come out into the light, and be turned round and round, just as freely (though under more stringent obligations of respect) as Professor Max Müller's doctrine of solar myths, or Professor Sylvester's fourth dimension in space, or Dr. Schliemann's promising theory that Hissarlik is Troy.

70. It is, I believe, customary, and perhaps wise, that a prior judgment of the highest court of appeal should govern a later one. It is alleged, nor is it for me to rebut the allegation, that the Purchas Judgment contradicts the Judgment in the case of Liddell *v.* Westerton; but, if so, this is accidental, and does not touch the principle, which seems to be generally acknowledged. Now, however well this may stand with respect to interpretation of law, yet with respect to historical and antiquarian researches, and to Judgments which turn on them, it would evidently be untenable, and even ludicrous. And then comes the question, what right have we to expect from our Judges, amidst the hurry and pressure of their days, and often at a time of life when energy must begin to flag, either the mental habits, or the acquisitions, of the archæologist, or the critic, or, above all,

of the historian? Why should we expect of the Bishop, because he may be assumed to have a fair store of theology, or of the Judge, because he has spent his life in pleading or even in hearing causes, that they should be adepts in historical research, or that they should be imbued with that which is so rare in this country, the historic sense and spirit, abundant, in this our day, nowhere but in Germany?

71. It may be said that Judges can and will avail themselves of the labours of others; but they are unhappily not in the ordinary condition of courts of first instance, who can collect evidence of all kinds at will. They are confined to published labours, when they go beyond the *ex parte* statements with which counsel may supply them. Still, they are sure to do their best; and they may get on well enough, if the subject happens to be one of those which have been thoroughly examined, and where positive conclusions have been sufficiently established. But what if, on the contrary, it has been one neglected for many generations? if the authorities, so far as they go, are in serious if not hopeless conflict? if the study of the matter has but recently begun, and that only amidst the din and heat, and for the purposes, of the actual controversy? What is the condition of a Judge when he has to interpret the law by means of *data*, which only the historian and the antiquarian can supply and digest respectively, and when those valuable labourers have not digested or supplied them?

72. For example, what if he have to investigate the question how a surplice is related to an alb, how far the use of either accompanies or excludes the cope or the chasuble (as a coat excludes a lady's gown), or in what degree the altar-wise position of the holy Table had been

established at the time when the Commissioners at the Savoy were engaged in the revision of the Liturgy? In this country a barrister cannot be his own attorney; yet a judge may not only have to digest his own legal apparatus, but may also be required to dive, at a moment's notice, into the *tohu-bohu* of inquiries, which have never yet emerged from the stage of chaos; and the decision of matters of great pith and moment for Christian worship and the peace of the Church comes to depend upon what is at best, by no fault of his, random and fragmentary knowledge.

73. Any reader of the Purchas Judgment on Appeal will perceive how truly I have said that it rests mainly, not on judicial interpretations, but on the results of literary research. In such interpretations, indeed, it is not wanting; but they are portions only of the fabric, and are joined together by what seems plainly to be literary and antiquarian inquiry. The Judicial Committee decide, for example, with regard to sacerdotal vestments, that the Advertisements of 1564 have the authority of law; and to this decision the mere layman must respectfully bow.* But they also rule that the Advertisements in and by prescribing the use of the surplice for parish churches, proscribe the use of the cope or the chasuble, and that the canons of 1603–4 repeat the prohibition.† Now, this is a proposition purely antiquarian. It depends upon a precise knowledge of the usages of what is sometimes termed "ecclesiastical mil-

* 'Brooke's Reports, pp. 171, 176.

† *Ibid.* p. 178. "If the minister is ordered to wear a surplice at all times of his ministration, he cannot wear an alb and tunicle when assisting at the Holy Communion; *if he is to celebrate the Holy Communion in a chasuble, he cannot celebrate in a surplice.*"

linery." Can Judges, or even Bishops, be expected to possess this very special kind of knowledge, or be held blamable for not possessing it? I think not.

74. But when even Judges of great eminence, of the highest station, and of the loftiest character, holding themselves compelled to decide, aye or no, on the best evidence they can get, as to every question brought before them, proceed to determine that the use of the surplice excludes the use of the chasuble, this is after all a strictly literary conclusion, and is open to be confirmed, impaired, or overthrown, by new or widened evidence, such as further literary labour may accumulate. And, indeed, it appears rather difficult to sustain the proposition that the surplice when used excludes all the more elaborate vestments, since we find it actually prescribed in one of the rubrics at the end of the Communion Office in the Prayer Book of 1549, that the officiating minister is ordered to "*put upon him a plain alb or surplice with a cope.*"

75. Again, the Judicial Committee, in construing the rubrics as to the position of the minister, states that before the revision of 1662, "the custom of placing the table along the east wall was becoming general, and it may fairly be said that the revisers must have had this in view." This, of course, is a pure matter of history. Before and since the Judgment was given, it has been examined by a variety of competent writers; and I gather from their productions, that had these been before the tribunal in 1871, it must have arrived, on this point, at an opposite opinion. The conclusion of Mr. Scudamore, indeed, is that the present position of the altars is the work of the eighteenth century.

76. The literary conclusion with respect to the surplice appears to be the foundation-stone of the Purchas judg-

ment with reference to vestments. But it seems to be also collaterally sustained by three other propositions: one of which is, that the articles of Visitation, and the proceedings of Commissions, in and after the reign of Elizabeth, prescribe the destruction of vestments, albs, tunicles, and other articles, as monuments of superstition and idolatry; the second, that the requisitions of Bishops in these parochial articles are limited to the surplice; the third, that there is no evidence of the use of vestments during the period. Now each and all of these are matters, not of law, but of historical criticism.

77. The critics of the Judgment are numerous; and few of them, perhaps, make due allowance for the difficulties under which it was framed. Their arguments are manifold, and far beyond my power fully to cite. Among other points, they admit the second of these three propositions, and consider that the attempts of the ruling authorities were limited, as regards enforcement, to the surplice; but hold that in those times what the law prescribed was one thing, and what it enforced, or attempted to enforce, was another. Mr. MacColl* cites a remarkable example; namely, that while the Rubric required the priest to read daily four chapters of Holy Scripture, the Advertisements aimed at enforcing only two. The orders of destruction raise a point of great importance, which demands full inquiry. As far as I have noticed, they seem uniformly to include "crosses" as "monuments of superstition and idolatry;" yet the Judicial Committee in Westerton *v.* Liddell, and in Herbert *v.* Purchas, both decide that crosses for decoration of the building are lawful.

* 'Lawlessness, Sacerdotalism, and Ritualism,' p. 76.

78. As regards the actual use of vestments, Mr. MacColl (while presuming that, in a penal case, it is evidence of disuse, not of use, that is demanded) supplies what he thinks ample proof;* and it is noticed that in the Judgment itself there is evidence, viz., that of Dering (1593) and Johnson (1573), sufficient to impede an universal assertion. But into these matters I do not enter. There is much more to be said upon them. My purpose is not one of controversy. I confine myself to urging the necessity of further historical and archæological inquiries, as absolutely necessary in order to warrant any judgments restrictive, in whatever sense, of the apparent liberality of our laws and practice; and I rejoice to see that for this end so many persons of ability, beside those I have named, are bringing in their respective contributions.†

79. I suppose it to be beyond doubt that in our times the acts of the officers of the law may be taken as evidence of what the law is, or is reported to be. The burning of printed editions of English books by the Customs would prove that the importation of such works was prohibited. But history seems to show that this apparently obvious rule cannot be applied to times like those of the Reformation without much caution and reserve. For example. The Purchas Judgment states that the law required the use of copes in cathedral and collegiate churches, and generally treats authorised destruction as evidence of illegality; but it appears‡ that the Queen's Commissioners at Oxford, in 1573 (when the anti-papal

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* 'Lawlessness, Sacerdotalism, and Ritualism,' pp. 59–70.

† For example, Mr. Beresford Hope and Mr. Morton Shaw. Mr. Droop has produced some useful illustrations, unhappily not well arranged.

‡ Droop on Edwardian Vestments, p. 26.

tide was running very high), ordered in the College Chapel of All Souls that all copes should be defaced and rendered unfit for use.

There are three cautionary remarks, with which I shall conclude.

80. The first is that, unless I am mistaken, the word evidence is sometimes used, in judgments on ceremonial, in a mode which involves a dangerous fallacy. It seems to be used in a judicial sense, whereas it is really used in a literary sense. As respects the testimony given in a case, the Judge deals judicially, and with his full authority as a Judge; but the illustrative matter he collects in these suits from books or pamphlets, laborious as he may be, and useful as it may be, is not evidence except in the sense in which Dr. Schliemann thinks he has plenty of evidence as to the site of Troy; it is historical inquiry, or literary or learned speculation.

81. The second is that, if I am right in laying down as the grand requisite for arriving at truth in these cases the historian's attainments and frame of mind, the Judge, and the lawyer, labour in these cases under some peculiar difficulties. It is almost a necessity for the Judge, as it is absolutely for the advocate, that every cause be resolved categorically by an Aye or a No. But the historical inquirer is not conversant with Aye and No alone: he is familiar with a thousand shades of colour and of light between them. The very first requisite of the historic mind is suspense of judgment. Judicial business requires, as a rule, a decision between two—it is the judgment of Solomon; but the historian may have to mince the subject into many fragments, according to the probabilities of the case; he deals habitually with conjectures and likelihoods, as well as positive assertions. The Judge

has to give all where he gives anything, and his mental habit forms itself accordingly; but the "I doubt" which was so much criticised in Lord Eldon, is among the most prominent characteristics of the philosophic and truth-loving historian.

82. Lastly; after the famous judgment Mr. Burke has passed upon the immense merits, and besetting dangers, of the legal mind, with direct relation to the character of Mr. Grenville, that great master proceeds to state that "Mr. Grenville thought better of the wisdom and power of human legislation than in truth it deserves." * Most eminently does this seem to me to be true, in observing the manner after which our Judges sometimes deal with ancient laws. Such as the character and efficacy of law is now, such they are apt to assume it always must have been. It has not been their business to consider the enormous changes in the structure of society, on its toilsome way through the rolling ages, from a low to a high organisation.

83. The present efficiency of law presumes the full previous inquiry and consultation of the deliberate power, and the perfect strength of the executive. But that strength depends on the magistracy, the police, the judiciary, the standing army; upon the intercommunication of men, of tidings, of ideas, by easy locomotion; upon a crowd of arrangements for the most part practically unknown to the loosely compacted structures of mediæval societies. The moral force, which abode in them, had little aid, for the purposes of the supreme power, except on the most pressing emergencies, from material force; partial approximations were then only

* Speech on American Taxation. Works, vol. ii. p. 389.

possible, in cases where the modern provisions for instant and general obedience are nearly complete. The law of to-day is the expression of a supreme will, which has, before deciding on its utterance, had ample means to consult, to scrutinise the matter, to adapt itself to practical possibilities; and it is justly construed as an instrument which is meant to take, and takes, immediate and uniform effect. But the laws of earlier times were to a great extent merely in the nature of authoritative assertions of principle, and tentative efforts towards giving it effect; and were frequently, not to say habitually, according to the expediencies of the hour, trampled under foot, even by those who were supposed to carry them into execution.

84. Take the great case of *Magna Charta*, in which the community had so vast an interest. It was incessantly broken, to be incessantly, not renewed, but simply reaffirmed. And law was thus broken by authority, as authority found it convenient: from the age when Henry III. "passed his life in a series of perjuries," as is said by Mr. Hallam,* to the date when Charles II. plundered the bankers, *Magna Charta* was reasserted, we are told, thirty-two times, without having been once repealed. But we do not therefore, from discovering either occasional or even wholesale disobedience, find it necessary to read it otherwise than in its natural sense.

85. The reign of Elizabeth bisects the period between *Magna Charta* and ourselves. But very little progress had been made in her times towards improving the material order of society; and, from religious convulsion, they were in truth semi-revolutionary times. Acceding

* 'Middle Ages,' ii. 451–3.

to the throne, she had to struggle with an intense dualism of feeling, which it was her arduous task to mould into an unity. The clergy, except a handful, sympathised largely with the old order, and continued very much in the old groove throughout the rural and less advanced districts. To facilitate her operations on this side, she wisely brought in the Rubric of Ornaments. But there had also sprung up in the kingdom, after the sad experience of Mary's reign, a determined Puritanism, lodged principally at the main centres of population, and sustained by the credit of the returning exiles (several of them Bishops), and by the natural sympathies of the Continental Reformation. Where this spirit was dominant, the work of destruction did not wait for authority, and far outran it.

86. In truth, the powers of the Queen and the law were narrowly hedged in, on this side as well as on the other. What could be more congenial to her mind and to her necessities, than that, for all this second section of her people, she should wink hard at neglect in a sore point like that of vestments, and that in proceeding to the Advertisements of 1564, though obliged to apply a stronger hand, she should confine herself to expressing what she thought absolute decency required, namely, the surplice, and leave the rubric and the older forms, to be held or modified according to the progressive action of opinion? Considering the violent divergencies with which she had to deal, would it not have been the ruin of her work if she had endeavoured to push to the extremes now sometimes supposed the idea of a present and immediate uniformity throughout the land? This I admit is speculation, on a subject not yet fully elucidated; but it is speculation which is not in conflict with the facts thus

far known, and which requires no strain to be put upon the language of the law.

87. "England expects every man to do his duty;" and this is an attempt at doing mine, not without a full measure of respect for those who are charged with a task now more than ever arduous in the declaration and enforcement of the Act of Uniformity. To lessen the chances of misapprehension, I sum up, in the following propositions, a paper which, though lengthened, must, I know, be dependent to a large extent upon liberal interpretation.

(I.) The Church of this great nation is worth preserving; and for that end much may well be borne.

(II.) In the existing state of minds, and of circumstances, preserved it cannot be, if we now shift its balance of doctrinal expression, be it by an alteration of the Prayer Book (either way) in contested points, or be it by treating rubrical interpretations of the matters heretofore most sharply contested on the basis of "doctrinal significance."

(III.) The more we trust to moral forces, and the less to penal proceedings (which are to a considerable extent exclusive one of the other), the better for the Establishment, and even for the Church.

(IV.) If litigation is to be continued, and to remain within the bounds of safety, it is highly requisite that it should be confined to the repression of such proceedings as really imply unfaithfulness to the national religion.

(V.) In order that judicial decisions on ceremonial may habitually enjoy the large measure of authority, finality, and respect, which attaches in general to the sentences of our courts, it is requisite that they should have uniform regard to the rules and results of full historical investiga-

tion, and should, if possible, allow to stand over for the future matters insufficiently cleared, rather than decide them upon partial and fragmentary evidence.

[POSTSCRIPT.—The *Quarterly Review* for July 1875 (p. 288 n.) observes that I have "stated the difficulty of acquiring knowledge on these subjects," and have "also illustrated it." Three instances are given:—

1. In relating a proceeding of the year 1573, I have "elevated" a college chapel into a collegiate church. This the Reviewer shows to have been contrary to the law of 1573, by referring to the Canons of 1603, and to the Act of Uniformity of 1662, which draws the distinction clearly. No such distinction is drawn in the Act of Elizabeth, which says, "In any cathedral or parish church, or other place within this realm," &c. It has therefore to be considered whether, unless and until the law dealt with them separately, churches under the charge of a body of clergy were or were not collegiate churches. The Rubric of 1559, prescribing weekly communion in cathedral and collegiate churches, added the reason of the provision, "where be many priests and deacons": a description eminently applicable to colleges. This question, I presume, can hardly be decided by the reviewer's very original method of referring to enactments made, one thirty and the other ninety years afterwards.

But it is a question of law, on which I can only guide myself by the opinions of others. And the Reviewer is wrong in saying that I stated the difficulty of "acquiring knowledge" on these subjects. My remarks refer entirely to historical and antiquarian knowledge, from which I have been careful to distinguish matters of law.

The Reviewer's second point is that I have quoted as accurate a statement of Mr. MacColl, that, as the Rubric required the clergy to read four chapters of Holy Scripture daily, and the "Advertisements" two, we have here a case in which the statute prescribed a major amount of observance, but the subaltern or executive authority was content with a minor amount. The Reviewer holds that the provision of the Advertisements was cumulative; and that it was obligatory on the Clergy of England, under severe penalties,

to read, in all, six chapters of the Bible daily. His proofs are (p. 253) that—

1. The two chapters are to be read "with good advisement to the increase of my knowledge."

2. That "the service appointed" was to be read clearly and audibly, "that all the people may hear and understand."

On this ground he dismisses the opinion contrary to his own as "a gross misrepresentation." I leave it to Mr. MacColl to develop and sustain his statements; but to me the contention of the Reviewer seems to border on the incredible; and the "gross misrepresentation" to be a reasonable construction, if we bear in mind, what the Reviewer forgets or omits, namely, that the rubrical obligation of the clergyman as such—not of the officiating "curate" merely, with whom he confounds the wider class—was to say daily the morning and evening prayers in public *or in private*.

His third allegation is: "It is admitted that surplice and cope are to be worn together in cathedrals." Admitted by whom? By him, perhaps, after he has been informed of a Rubric of 1549, which perhaps he had also omitted to observe. But I was remarking on the Purchas Judgment, and no such admission is contained in the Purchas Judgment. It says, "The Vestment or Cope, Alb, and Tunicle, were ordered by the First Prayer Book of Edward VI. . . . The Canons . . . ordered the surplice *only* to be used in parish churches." (Brooke's 'Judgments,' pp. 175–6.) The Canons say nothing (Canon 58) of the surplice *only*. But the Judges put in the word only. If the Reviewer is right, this was a reckless or fraudulent interpolation. But he is wrong, and why? Because they evidently believed the use of the surplice excluded the use of the other vestments. This they have declared in express terms (see note, p. 95) as to chasuble, alb, and tunicle; and from the words I have quoted, "the Vestment or Cope," it seems they were not aware of any distinction between cope and chasuble: as again they dwell upon "the determination to remove utterly . . . *all* the vestments now in question." This, I may add, they think was proved by the Lincoln MS. which Mr. Peacock has published. Evidently the Judges proceeded upon the report of some most ill-informed informant, and had not read—as how could they read?—the work itself. For Mr. Peacock's volume, which they cite to show the destruction of "all the vestments," refers to some

hundred parishes only, and, in no less than about a score of these, reports that the cope was still retained.

I am sorry to have detained the reader with this exposure of the errors of a Reviewer, who really has not the same excuse, as may be reasonably alleged on behalf of the Judges of Appeal, for the misapprehension and consequent misstatement of history; in a discussion very wearisome in itself, but on which unhappily great practical issues are made to depend by the error of one party or of both.]

IV.

ITALY AND HER CHURCH.*

1875.

1. Let no susceptibilities, Puritan, Protestant, Anglican, or other, be startled if we observe that Rome is and may long be, in some important respects, the centre of the Christian world. It is indeed a centre which repels as well as attracts; which probably repels even more than it attracts; but which, whether repelling or attracting, *influences*. It need not be feared; but it ought not to be overlooked: as the navigator fears not the tides, but yet must take account of them. It influences that wide Christendom in which England, with its Church, is but an insulated though not an inconsiderable spot.

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* Reprinted from the *Church Quarterly Review* for October 1875: article on—(1) 'Discorsi del Presidente del Consilio, Marco Minghetti, sulla Politica Ecclesiastica.' Roma, Tip. Botta, 1875. (2) 'Discorso del Deputato C. Tommasi-Crudeli sulle Relazioni dello Stato colla Chiesa.' Roma, Tip. Botta, 1875. (3) 'Discorso del Deputato Guerrieri-Gonzaga sulle Relazioni dello Stato colla Chiesa.' Roma, Tip. Botta, 1875. (4) 'I Parroci Eletti e la Questione Ecclesiastica.' Di Carlo Guerrieri-Gonzaga. Firenze, Civelli, 1875. (5) 'Lettera della Fabbriceria di S. Giovanni del Dosso al Sindaco di Quistello.' Mantova, Tip. Segna, 1873. Corresponding letters from Paludano, March 1874, and Frassino, March 1874. (6) 'Statuto Dogmatico-Organico-Disciplinare della Chiesa Cattolica Naziona.e Italiana.' Napoli, Morano, 1875. (7) 'Otto Mesi a Roma, durante il Concilio Vaticano.' Per Pomponio Leto. Firenze, Le Monnier, 1873. (8) 'Cenni Biografici Documentati di Monsig. Domenico Panelli, Arcivescovo Cattolico di Lydda.' Estratto dal Periodico L'Emancipatore Cattolico, Anno xiv. No. 15. (9) 'Libera Chiesa in Libero Stato: Genesi della Formola Cavouriana.' Di Guido Padelletti. Estratto della Nuova Antologia. Firenze, Luglio, 1875.

2. The political power of England is great; but its religious influence is limited. The sympathies even of nonconforming England with Continental Protestantism are, and must be, partial: the dominant tone and direction of the two are far from identical. The Church, though in rather more free contact than our Nonconforming bodies with the learning of Protestant Germany, is of course more remote from its religious tendencies. The Latin communion forces the Church of England more and more into sharp antagonism: and we are only beginning to sound the possibilites of an honourable, but independent, relation of friendship with the East. In matter of religion, poetry might still with some truth sing of the *penitus toto divisos orbe Britannos*. We of all nations have the greatest amount, perhaps, of religious individuality, certainly of religious self-sufficiency. A moral, as well as a natural, sea surrounds us; and at once protects and isolates us from the world. But this is, of course, in a sense which is comparative, not absolute. The electric forces which pervade the Christian atmosphere touch us largely, outer barbarians though we be; and they touch us increasingly. And a multitude of circumstances make us aware that, if we are at least as open to criticism as our neighbours, yet we have like them a part to play in Christendom, and a broad field to occupy with our sympathies, under the guidance of such intelligence as we may possess.

3. In the endeavour to discuss the scope and limits of this field, we should above all things beware of the temptation to exact from others either the adoption, or even the exact appreciation, of our insular and national peculiarities. Community of first principles is that for which we needs must look, not identity in the form of development. Now, in the religion of the Reformed

English Church, the conservation of authority is a first principle, and the restoration of freedom and of the respect due to the individual conscience is another: and if there be anything, claiming the name and dignity of a first principle, which it has been specifically and more than others given to the Church of England to uphold, it has been the maintenance, in their just combination, of these two great vital forces, and the endeavour to draw from their contact an harmonious result.

4. Let us now, turning our eyes towards Italy, inquire whether we have anything, or anything special, to do with it in reference to the religious question which lies so perilously near its seat of national life. And first, Italy is the country, in the very heart of which has been planted that ominous phenomenon, unparalleled in history, the Temporal Power of the Popedom. In the claim of the Latin Church to territorial sovereignty, the nations of Europe generally may be thought not to have any other than a secondary concern. But for Italy it is palpably matter of life and death. We do not enter into the question whether any of the possibilities of the past years would have permitted the coexistence of a solid Italian nationality with a Popedom exercising temporal dominion. It doomed her to the weakness, and the dishonour, of existing only in fractions. If the head was to be independent of the body, the members of the body loved also to be independent one of another. The subtle observant intelligence of Macchiavelli, and more than two centuries before him, the vast, all-embracing genius of Dante, saw in the Triregno the bane of their country. It seems as though their prophetic insight had been fully vindicated by the picture we now behold, where the Pope-King and the National-King, confronting one

another on the same spot of ground, represent an incompatibility that cannot be overcome or even softened. Italy must cease to be a nation, or the Papacy must consent to the mutilation of the triple crown.

5. So far as this problem is one of material forces, it seems to depend primarily on Italy herself. And in this view it has been settled; settled, with a settlement taken to be final. But it does not depend wholly or ultimately on Italy. There is a doctrine which had at one time the countenance even of Montalembert, and which we do not know that he ever retracted. According to this doctrine, all members of the Latin communion, dispersed throughout the world, are invested with a right of proper citizenship in Italy; which deprives the people of that Peninsula of their moral title to dispose of their own soil, and which authorises this fictitious entity, this non-resident majority, to claim that in the very heart of the Peninsula a territory shall be set apart from their jurisdiction, for the purpose of subserving the spiritual interests of Roman Catholics and of their wide-spreading Church. The votaries of this doctrine hold with perfect consistency, that such a right, being one of proper citizenship, may be enforced by the sword.

6. Nor is this a mere opinion of the schools. Neither is it a tradition which, having once lived, is now dead. In 1848, the people of the Papal State overthrew the sacerdotal government, constituted themselves into a Republic, and evinced every disposition to keep the peace, and to respect the rights of neighbours. But the swords of four States were at once drawn upon them. France, Austria, Spain, and the Kingdom of Naples, upon the preposterous plea of being invested, as Catholic nations, with a title to dispose of the civil interests of several

millions of men, put down the free State in 1849. The operations of Naples and of Spain were feeble and insignificant. The interventions of Austria, due in great part to her false position as the mistress of Lombardy and Venetia, reached their final term many years ago, and nothing can be more unlikely than their renewal. But France, which had no territorial interest to defend, and which is supposed to be rather more exempt than any country in Europe from the weaknesses not only of enthusiasm, but of belief, maintained by sheer force the Papal throne, until the exigencies of the German crisis compelled her in 1870 to evacuate Cività Vecchia. May she not, or can she not, ever do this again? A question of vast and profound interest to Europe, and one of those questions, to the cry of which England cannot altogether shut her ears.

7. Certain it is that France can never perform the same operation with the same ease, as in 1849. At that time Italy had no friend among the nations, except England. Even in England, sentiment was far from being united. The Conservative party, even as it was represented in its most liberal members, such as Lord Aberdeen, was opposed to the popular sentiment of Italy; and to this division it may have been owing that Lord Palmerston, who sympathised warmly with that sentiment, and refused to admit the doctrine that England had, as a Protestant Power, no title to act in the matter, nevertheless confined himself to contending that the Papal Government should, upon its restoration, be reformed, and the spiritual authority severed from the powers and institutions of the State.* Russia had the spectre of Poland

* Phillimore's 'International Law,' vol. ii. p. 501.

in her eye, and was associated in all European questions with the anti-popular and anti-national cause. Prussia, at that time, considered herself to be so bound by German sympathies, as to hold that the possession of the Quadrilateral* by the Emperor of Austria was a German interest. It was therefore easy for France to subjugate by sheer force the Roman people. At the price of this unwarrantable act, the government of Louis Napoleon, then President, purchased the Ultramontane support, which upheld him on his way to the Second of December, and probably so turned a wavering scale in his favour as to give him the Imperial throne.

8. The face of Europe has now, in this as in other respects, undergone a great change. Italy is endowed with the sense, the responsibility, and the power of national existence; and, though still beset by the gravest financial difficulties, cannot without a struggle submit to disintegration. Neither Austria nor Russia are any longer her enemies. Germany, victorious over France in a single-handed fight, has been and is her friend; and is bound by the strongest considerations of self-interest to assist her against any attempt to restore the Papal throne by means of foreign force. This audacious claim is, indeed, not the only claim of Vaticanism, which menaces in principle the civil rights and order of Christendom. But it is the only one which directly and immediately betrays its purpose; and the restoration by a French army of the Temporal Power would unquestionably compromise the very existence of the German Empire.

9. Add to this, that France has no just or real interest

* The name, now happily almost forgotten, was given to the four fortresses of Mantua, Verona, Peschiera, and Legnago.

in the accomplishment of this flagitious design. Nor is it sanctioned by the general sense of her people. There is no reason to doubt that the great majority of them view it, on the merits, with decided disapproval. But then there is no reason to suppose that the general sense of Frenchmen was favourable to the act of violence committed in 1849. The Ultramontane sect evidently directed it. The support of that sect was necessary to give a majority to Napoleonism; and the Government, once installed, carried the reluctant country with it into the war, even as, on the later and greater occasion of 1870, she was precipitated into the destructive strife with Germany, from motives mostly identical on the part of the projectors. France, with all her wonderful, and in many respects unrivalled gifts, has yet, after a ninety-years' apprenticeship, to learn the first lessons of the alphabet of political freedom;* and her relation not long ago to the candidates for her government was well illustrated by Montalembert as that of a railway train, with the steam up and all things ready, waiting only for the driver of the engine, when he who can first step up becomes, and for the time, remains, absolute master of the situation.

10. That powerful setting of the current of human motive and inclination, which we ill term Fate, seems at least, to determine France towards another deadly contest with Germany for the hegemony of the Continent. No doubt her words, and, what is more, her thoughts to-day

* [See a like statement, and a note limiting it to the past, vol. iv. p. 232. The paragraph which here follows not only is, but was at the time, tainted with a radical defect, in pointing to one solution only of a very formidable problem. But others are doubtless possible. May that solution be attained which is best for religion, for freedom, and for peace.—W. E. G., 1878.]

are those of peace; but her under-thought, so to speak, the embryo of her mind in the future, which waits for its development, and for an atmosphere to live in, is war: war for recovery, perhaps more than for supremacy. When the time of that terrible war shall arrive, the very instinct of nature will teach her to strengthen herself by association with all the elements congenial to her purpose. Now such an association can hardly arise in the normal shape of alliance between State and State. Under this head she may possibly reckon, according to general appearances, upon the sympathy of Spain. But a country which, after having risen so high, has sunk so low, and which resembles France at present only in its incapacity of self-government, can count for little.

11. The true ally of France will be an ally without a name; it will be the Ultramontane minority which pervades the world; which triumphs in Belgium; which brags in England; which partly governs, and partly plots, in France; which disquiets, though without strength to alarm, Germany and Austria; which is weaker perhaps in Italy than in any of those countries; but which is everywhere coherent, everywhere tenacious of its purpose, everywhere knows its mind, follows its leaders, and bides its time. This minority, which hates Germany and persecutes Italy, will by a fatal and inevitable attraction be the one fast ally of France, if ever France be again so far over-mastered by her own internal foes, as to launch again upon a wild career of political ambition wearing the dishonourable and fictitious garb of religious fanaticism. Thus, then, there are two great forces which, when the occasion comes, will menace peace: the political resentment and self-recovering energy of France, which has Germany for the object of its hos-

tility; and the venomous ambition of Curialism, determined to try another fall before finally renouncing its dream of temporal dominion, which drives at Italy. And these two may, in ill-assorted wedlock, even while hating one another all the time, band themselves together, in pursuit of their entirely distinct objects, by a common and identical line of action.*

12. Ever since Italy, not wholly by her own might, achieved her national unity, her successive governments seem to have cast beside and behind them, as evil dreams, all these dark speculations on the future. In this course of proceeding, they have probably represented and reflected, with general accuracy, the sentiment if not of the nation, yet of the governing classes of the nation. That such a sentiment should have had currency in Italy is among the most singular phenomena of the day. Germany and Austria, which are not menaced by the claims of Vaticanism, except in common with all civilised nations, have deemed it needful to defend themselves, by regulative or repressive laws, against the encroachments of

* [The events which have occurred in France since 1875 cannot, perhaps, be said to have removed all risk of the contingencies contemplated in paragraphs 10, 11. But, as regards the question between the two nations, they have widened the area of hope for peace, and the practical admission of sound principle in regard to territorial distribution. As regards the likelihood which was so seriously estimated by me, an attempt to seek for a restoration of the Temporal Power by violent intervention from abroad, it has happily been reduced in a larger measure, first by the triumph of the principles of free government in France, and secondly by the change in the occupancy of the Papal Chair. The initiative of 1859 laid upon Italy a debt of gratitude to France, which remains weighty and substantial after allowing for every set-off; and it may now be hoped that the two nations, alike pledged to the cause of free government, will never be divided by an unnatural cause of quarrel.—W. E. G., 1878.]

ecclesiastical power. But Italy has pursued the negative or neutral course. She stands by, and folds her arms. And yet she is the country whose very heart it is the fixed desire and design of the Roman Curia, and of its abettors throughout Christendom, to tear out of its bleeding body, for the purpose of erecting anew the fabric of the Temporal Power now crumbled in the dust. This indifference towards the Church, in the sphere of religion, has been accompanied to some extent with severity, and even with harshness, at its point of contact with property which could be made available for the needs of the State. But let us for the present contemplate it by itself, and give it the examination which, in the view of history and philosophy, it so well deserves.

13. The indifference of Italy, then, to Papal claims is in our view due to her proximity to the local source from whence they proceed; and springs partly from the knowledge, partly from the illusions, which belong to that proximity. The master spirit of Dante, near six hundred years ago, knew how to distinguish between the Curia or Popedom, with its surrounding organisation, and the Christian religion as professed in the Western Church. But this privileged power of discrimination was committed only to the highest minds. Even for Dante it would probably have been far more difficult now to draw this great distinction, to denounce his Antichrist without losing hold of his Beatrice, his impersonated Christianity, than it was at the period when he lived. At any rate, as matter of fact, it is undeniable that, among the governing classes of Italians, this distinction has not, from 1860 onwards, been effectually drawn. Profligacy, corruption, and ambition, continued for ages, unitedly and severally,

their destructive work upon the country, through the *Curia* and the Papal Chair; and in doing it they of course have heavily tainted the faith, of which that Chair was the guardian. For a long time the principle of belief remained so vigorous in Christendom, that it was able to bear up against these terrible deadweights, and yet to retain its buoyancy. But, as its inward energies declined, it gradually became unequal to sustaining the unnatural burden: its power of floatation, to use a nautical term, became less and less. The ill-starred alliance between Curialism and the Dogma could not be dissolved. Curialism long lived upon the credit of the Dogma: in the discredit and repudiation of Curialism, the Dogma has now been largely effaced from the educated mind of Italy.

14. Therefore it is that the peculiar indifference of Italy is due partly to its special knowledge, partly to its besetting illusions. She has lived with Dagon at her centre: she has been able daily to see, hear, touch, and handle him: she has taken the measure of his pretensions: she knows the materials he is made of. Of interdicts and excommunications she has had the largest experience; and, though feared elsewhere, they have lost their terrors for her and for her children. Every thunderbolt of the Vatican, as it was launched to whatever point of the compass, has passed before her eye; and familiarity has bred contempt. She knows that the Œcumenical Council of Trent has excommunicated all who lay hands on the Temporal Power; and she feels herself no worse, perhaps rather the better, for the excommunication. Strong in her sense of national right and independence, in the high endowments of her people, and, to a far greater extent than is commonly known, in the enduring vitality of her

local institutions, she has no fears of aught that may betide her while walking along the road of national dignity and duty, and asserting her indefeasible title to an equal share of the common rights of men.

15. All this is well; and, as to the substance of the issue raised, she is wholly right, the Roman Church is grossly wrong. We cannot deny that, here and there, the Italian State may have used its undoubted right with accidental harshness. The secularisation of the property of the Religious Orders has been of necessity a more or less rude, though highly needful, operation. It would require a very minute knowledge to pronounce in detail upon the complaints raised in their behalf. But there is one case of Italian legislation, which hardly admits of doubt. We learn with some surprise that the Italian clergy, even when having cure of souls, are not excepted from the obligations of the military conscription. This is deplorable. The exemption is allowed in Germany. It is required not by policy so much as by decency. We trust, and we feel convinced, that no long time will be suffered to elapse without an alteration of the law in this respect. But, if we turn our eyes away from this ugly spot, we find much to praise in the admirable toleration and patience of the Italian State. The licence which has been allowed to vituperation and to seditious language, when used by the ministers of religion and their organs, might by some be ascribed to chivalry run mad. But it is really founded in sheer wisdom: in the indisposition to multiply issues of detail when a great principle is at stake, and in the full knowledge of the traditional capacity of the Italian people to estimate Curial menace and vituperation at its true and very moderate value.

16. The great principle which Italy takes for the sheet-

anchor of her Church policy is, the separation of the Church from the State. It was Cavour who first gave authoritative utterance to the doctrine in the shape of a formula, now most famous, *Libera Chiesa in libero Stato.* In considering the adoption and the application of this formula, let us before all things put aside the disposition to test it by the ideas and circumstances of England, or even by those of other European States. Let us even forget that England exists. It was for Cavour, in his great "architectonic" business of nation-making, an absolute necessity.

17. It was open to other countries to enter if they pleased upon the policy, although it be a slippery policy, of *Concordats*, and to aim at adjusting by some written compact the relations of Church and State. Or it was open to them to proceed as Germany and Austria have recently proceeded, and in the teeth of the Pope to enforce by the law of the State what it deemed essential for full civil rights and duties. But Cavour, unlike them, had to begin with a proclamation of war against the Papal chair and the Curia, for the liberation of the Roman people by the extinction of the Temporal dominion. They had got their capitals; he wanted his. And he knew it could only be had by force. Logic and policy alike required that he should condemn the Temporal Power by recognising the Church as a religious society, and should by the acknowledgment of its liberty in its own sphere give emphasis to his title to prevent it from enslaving men in a sphere not its own. Not a word of exception, then, can be justly taken against the principle announced by Cavour. But on the headlong application of that principle a different verdict may have to be pronounced. It is not necessary for our purpose to inquire whether the great

Minister is responsible not only for the formula, but also for the interpretation.*

18. If the States of the Church had been inclosed within the territories of the great American Republic, it might have been as easy to apply, as it was to proclaim, the maxim of a free Church in a free State, even while putting down the Papal government and absorbing the territory. For in America the State has never had in its hands any part of what primarily belongs to the Church. In that country, before its great and needful emancipation, the rights of control over religious bodies, according to the constitution of the British Empire, had never been made over to the Colonial Government, and still belonged to the Imperial Crown and Legislature. Thus the fathers of the Republic found themselves free from the embarrassment of inheriting, along with their political independence, any powers and prerogatives properly ecclesiastical.

19. But in the countries of Europe it is not so. In one shape or another, the Regale pervades them all. And it is a power which cannot be regarded as simply external to the Church. Whatever its specific varieties, its main outlines have been everywhere the same. It uniformly

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* This question has been argued, with signal ability, by Professor Padelletti, in the tract which closes the list given in the note on p. 193. It would seem that his generous faith in the virtue and efficacy of liberty led Cavour to believe that it would either infect the Roman Court, or, if not, yet place the bishops and the Church in an attitude of defence. Yet he made reservations which, perhaps, may prove adequate. To the merely vulgar handling of the formula may be applied some striking words of the Duke of Argyll: "It seems almost a law that no utterance of original genius can long escape the fate of being travestied, and turned to nonsense, by those who take it up at second hand."—*Contemporary Review*, July 1875 (p. 363).

embraced, among other matters, the most important rights either of patronage, or of a veto upon patronage, and thus possessed universally a command over episcopal appointments to such an extent as secured a large influence, at the least, in determining the characters of the persons chosen. In the States of Italy, now making up its united Kingdom, the civil power enjoyed, everywhere, as we believe, either the right to nominate the bishops for the Pope's approval, or the right to refuse and exclude them by withholding the *Exequatur*. It was also the patron of a large number of ecclesiastical benefices. Thus the State had its standing-ground actually established within the ecclesiastical precinct; and it discharged functions which essentially appertained to the equilibrium of powers within the Church, and as among her different orders. The mere withdrawal of the State from its legal and constitutional action could, therefore, supply no solution to the problem of a free Church in a free State, unless it included not merely the abandonment, but the proper disposal of the powers which were actually in its hands.

20. The ancient system of the government of the Church was a constitutional system of balanced powers. The bishop ordained, and in the Western Church instituted the clergy, but the people chose them; later on, the patron, ecclesiastical or lay, in virtue of the endowment, came into the people's place or privilege. The Bishop himself was elected by the clergy, with the concurrence of the people, or their assent. By degrees a state of things came about, in which, as far as Italy was concerned, the people had generally disappeared. Its powers and functions in appointing pastors and governors of the Church, together with those (for the most part) of the

priesthood, had either been inherited by the State, or absorbed by the Pope. In England, lay influence is very largely maintained, among other modes, by lay patronage; but in Italy lay patronage is comparatively rare. Virtually these great powers were held principally by the Pope in the name of the Church, partly by the State on behalf of the people, and, to some extent, of the clergy. As the Pope's best title was that he acted for the prevention of secularism, so the State was undoubtedly a trustee for liberty; and the balance of powers, which was a fundamental law of government in the ancient Church, was, though in a strangely altered form, yet, after a manner, and to a substantial extent, maintained. The question then arose, to whom was the State, in retiring from the sphere of ecclesiastical action, to make over these most important functions?

21. Surely, on every ground of principle, the State, as a trustee, could not obtain a legitimate release, until it should have deposited elsewhere the powers it was about to surrender, in a manner agreeable to the spirit of its trust. If they were to remain simply derelict, they would be the object of a general scramble, resulting in chaos; or else, if there were one of the parties to the strife which was possessed of an effective organisation, while the others were without it, they would assuredly become the prey of that party.

22. We are not without some means of illustrating, from the history of our own country, the very important issue thus raised. We, too, within the last few years, have witnessed the establishment, by regular legislative action, of a "free Church in a free State." The allusion, of course, is to the case of the Church formerly established by law in Ireland. In that country, the civil power,

besides being patron of certain dignities and benefices, had the power of appointing Bishops. It did not, as in England, nominate to the Chapter, who are legally punishable if they do not elect, but whose choice is, notwithstanding, a moral choice, and laden with the moral responsibilities of free and deliberate action. In Ireland, royal nomination at once placed the person designated in the position which, on this side of the Channel of St. George, he holds only when bishop elect. He was in a condition to be confirmed and consecrated. Had the Crown, by the Irish Church Act of 1869, simply extinguished its own action in this matter, it would probably, or possibly, have been open to the archbishops of Ireland, at any rate to them with the aid of their suffragans, to appoint the successors to vacant sees, and thus to found something dangerously near to at least a theoretical absolutism.

23. But the view taken by the British Legislature was that disestablishment did not extinguish right in the Church, and that the prerogative of appointing or nominating could not thus be left to take its chance. In the course of the measure through the House of Lords, that most acute legist, Lord Westbury, contended that Parliament was making a present of the governing power over the Church to a mob. But in truth it was given by the express words of the Act, not to a mob but a community already constituted in three orders, to the Bishops, clergy, and laity; and these were put in a condition by their joint action, as three orders jointly constituting an organised body, to make provision for themselves by voluntary contract. Thus the State, having been trustee for the people, and having theretofore given its authority, in that capacity, to laws for the Church, both left her in

a condition to pass such laws for herself, and took care that the people should be parties to those laws.

24. In Italy a different course has been pursued. The constitution of the Church rests, so far as the State is concerned, upon the statute of Guarantees. By this law, provision was made for the free action, security, and independence of the Supreme Pontiff, and made in a spirit not of justice only, but of lavish generosity, probably with the hope, to which, at least, it was honourable to cling, that by this liberal spirit, conjoined with the force of circumstances, the hard and obstinate spirit of the Curia would at length be brought to some kind of conformity. But another division of the law deals with appointments in the Church. The material portion of it runs as follows:—

"XV. The Government renounces the right of apostolic *legazia* in Sicily, and the right of nomination or presentation in the grant of the major appointments throughout the kingdom.

"The bishops shall not be required to swear fealty to the king."*

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"XVI. The *Exequatur* and Royal *Placet* are abolished, with every other form of governmental assent to the publication and execution of the acts of ecclesiastical authority."

25. Then follows a reservation, which we believe was not comprised in the original design; and which provides that, until a further legislative arrangement shall be made concerning Church property, the *Exequatur* and the royal *Placet* shall be kept alive, but so far only as regards the

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* 'Loi relative aux Garanties, May 13, 1871': Florence, 1871. The French version, from which we translate and cite, has official authority.

enjoyment of the temporalities whether of major or minor appointments. The parochial patronage of the Crown is also retained; but this seems to be of comparatively limited range. Speaking generally, it would appear that the civil power has kept its hold upon the *beneficium*, but has surrendered the *officium*; and the whole of the deep interest, which the Christian people of Italy have in its right disposal, is handed over to the tender mercies of the ecclesiastical authority. Now, this, as we should make bold to contend, was a breach of trust. The share in Church appointments, which the State heretofore had held, should have been given back to those, in whose behalf it held that share, namely to the lower order of the clergy, and to the people.

26. But no such breach of trust was intended. When the subject of a trust has become absolutely worthless, the trustee is absolved from further duty in respect of it. When he supposes it thus to have lost all value, he will, of course, estimate his own duty as if the value was really exhausted. There is no denying the awkward fact, that the policy of Italian governments with regard to Church power, perhaps with regard to religion in general, has been founded upon an illusion alike palpable and mischievous. They cannot be acquitted of the charge of having surrendered the interests of the people in Church appointments, by leaving those appointments to the Pope and his agents; unless upon the ground, which seems to be the true ground, that they thought these offices had lost their importance, and the religion, that they were to teach, its power.

27. No rational man will quarrel, or take pains, except about things which live. In Italy, the crust of Curialism has so enveloped the Divine treasure of the Gospel, as to

hide it from her most modern Parliaments and statesmen. Against Curialism they know themselves to be well defended by the good sense of the country; of the kernel that lies within Curialism, so long had it been kept from their view, they have seemed to think they need take no account. Religion, they might have thought, if their thoughts are to be gathered from their actions, has played a great part in the past, but has no share in the future, of mankind. New powers and principles have come into action; science, experience, art, culture, civil organisation, have reached a bulk and maturity which displaces religion from the rational and manly mind, and which will prevent any lack of it from being felt. Like an individual man, great when in his flower, but now decrepit, let religion, too, retire becomingly from the stage, and no longer offend us with what has been a subjective, if not also an objective, reality, but what would now be only an imposture.

28. Such, if we set aside the theory of Ultramontanism, which has certainly not been a direct agent in promoting this course, is the only theory which can justify the surrender of the entire government of the Church, and of the power to fill its offices without check, to the Pope and his agents. Unhappily there is other evidence that this theory has been powerfully operative in Italian policy. It is one thing to separate the Church from the State, it is another to separate religion from education and from life. There has been a tendency to this latter separation too. The faculty of Theology has been extinguished in the Italian universities. We do not doubt, that there may have been a multitude of difficulties connected with its maintenance. But surely it was worth while to encounter some difficulties, rather than to adopt a measure

which denies to the lay student the means of obtaining scientific instruction respecting his religion; and which, as regards the clerical student, practically excludes him from the possibility of lay contact, and of knowledge of the social body, on and in which he is to act, as well as from the benefits of the higher education.

29. This unhappy measure was not required by the religious divisions of the community, which have required and justified the erection of the University of London in our own time and country without a Faculty of Theology; for there are no such divisions. Setting aside a few purely sporadic efforts, all the religion that Italy possesses is religion according to the creed, and within the pale, of the Roman Church. By destroying these Faculties in the universities, the shallow speculations and most irreflective desires of a certain school of Radicalism, long ago we trust repented of, were encouraged; but the most effective aid was given to the deeper designs of the Roman *Curia*, which aims at nothing so sedulously, prizes nothing so highly, as the total removal of the clergy from the general, open, atmosphere of human life and thought. It was in the theological Faculties of the German Universities that that love of freedom was effectually fostered, which is encouraged by, if not inseparable from, devoted and scientific study. Not in them only had the fiction of infallibility been detected and denounced; but in them only was the denunciation a living reality; in them alone was planted that centre of stout and enduring resistance which has made them a signal of rallying to the combatant, of shelter to the fugitive, of consolation to the fallen. Hefele as a Bishop has given way; but Döllinger, Reinkens, and their friends, have stood their ground; and history may yet have to recog-

nise in these Professors a new and true Band of Immortals.

30. It should never be forgotten that this strange dualism in religion, this contrast between a central body given over to the lust of power, and a system of doctrine, still fruitful (with all its drawbacks) of instruction, consolation, and inward renewal for mankind, is confined to the Latin Church. It does not exist among Protestant communions generally, in most of which the ministry has nothing whatever, except moral strength, to depend upon; while in the Wesleyan body, where the pastoral class is fortified with high constitutional powers, due to the spirit of Wesley, they have not sufficed to raise either their practical influence or their ecclesiastical standing to a higher level. It is not felt in the Anglican Church, where the disposition to any gross exaggeration of clerical power has never been operative beyond a narrow circle. It is nowhere discernible in the Oriental communions, where the clergyman is essentially a citizen, and of which the doctrinal aspect presents a closer approximation to Rome, though very far from an identity with it.

31. It is, then, with regret and sympathy, but in no spirit of affected superiority, that we notice the misdirection in some respects, as we deem it, of Italian policy. In careful observation of the world and its life, we shall not rarely find that some of the errors, which are materially the gravest, are morally the least; or, in other and plainer words, that some of the greatest errors we commit are also the most excusable. Moreover, in the case before us, grave as would be the consequences of a blind tenacity, we are under the comforting persuasion that Italy herself has within herself the means of such recovery, as will effectually retrieve the ground that has been lost. In

explaining the signs, which suggest and sustain this persuasion, we shall endeavour to show that the opinions given in the foregoing pages have not been merely the officious observations of foreign criticism, but have had high and weighty countenance in Italy itself, and are not without some promise of becoming the great regulating influence of her policy in the future.

32. The condition of things which we have deprecated is, it will be remembered, a condition of Papal, or rather Curial, absolutism within the Church. In the abstract, this is secured by the declarations of the Vatican Council. To give it effect, nothing more is required than these two very simple arrangements, that the Pope should everywhere appoint the bishops, and the bishops everywhere, or as a rule, the clergy; of their own free will and motion in the two cases respectively, without check or participation from without. And this is the course which, in the main, has been pursued in Italy until a very recent date.

33. We have not yet dwelt upon the important reservation under which the *Exequatur* and the *Placet* were still kept alive so far as the temporalities of the Church were concerned. The rights of the clergy and people, and of the State on their behalf, extended, indeed, far beyond temporalities. Still, the temporalities were a handle by means of which, when properly used, much of what had been let fall might be recovered. Until a recent period, however, very little use had been made of this instrument. We take the facts from the able speeches of Signor Minghetti, who holds the office of President of the Council, or Prime Minister of Italy. In referring to this distinguished person and his government, we beg it to be understood that we do not presume to charge upon

them any special or separate responsibility. They have been acting as their predecessors apparently had acted, and both alike, it is fair to state, have reflected the spirit of the legislative body and of the classes who there, as here, practically determine the ordinary direction of the policy of the day. Indeed, it is to them that we look with confidence to avail themselves of the fresh vital forces which have been exhibited in the country, and of the co-operative disposition which the Chamber has rather energetically manifested.

34. Let us now hear the facts as they are given by the Minister:—

"Since the law on Guarantees was promulgated,* there have been nominated by the Pope 135 bishops, and 15 coadjutor bishops with right of succession, that is to say, in all 150. Of these, how many have, directly or indirectly, asked for the *Exequatur*? We shall see farther on, the mode in which it has been asked. It was asked by 94. What has the Government done in these 94 cases? It has granted 28, it has refused 65; one is not yet disposed of" (p. 13).

The Minister proceeds to explain that, in all these 28 cases the several Papal Bulls, or a part of them, always including the Bull of nomination, had been presented to the Government. In two cases they were presented by the Bishop himself: in eight by the Chapters, or by portions of them; in seventeen, by the Syndic of the Commune, with other individuals; in only one, by a private person, who, however, was also a Deputy. The concurrence of the Bishop was exacted in all the cases, and his recognition of the Royal Government. In

* That is to say, within four years. The Minister spoke on May 7, 1875.

giving the *Exequatur* and the *Placet*, it is, so the Minister holds, the business of the Government to have regard to the qualities of the person designated, the consent, express or tacit, of the diocese, and the general opinion of the country. He goes on to defend the conduct of the Government in respect to the 28 *Exequaturs* issued.

35. Signor Minghetti had on this occasion to perform a duty which often devolves on the ministers of this country: to defend the Chamber, in effect, against itself. The Government in Italy is loyally chosen by the Sovereign, as it is chosen here. Its ecclesiastical policy was, there is no reason to doubt, a reflection of their will. All therefore was calm. But when a breeze arises, and the air is stirred, and those who represent the movement present a case difficult to answer, the Chamber forgets its moral identification with the Minister in what has previously happened, and leaves him, at least until the voting comes, to bear with little aid the brunt of the attack. Often a representative body is in truth culprit as well as judge. But, in defending the positive action of the Government, the Minister passed lightly and in silence over what it had not done; and he was careful to acknowledge the unfulfilled obligation to propose a complementary law (pp. 20, 21). He went further. He declined indeed, and wisely declined, to undertake a religious reform. But he affirmed that the civil power had already become more stringent in its procedure, and felt the touch of the breath of popular opinion. When the promised measure is introduced—

"Then will be the opportunity to observe whether, without direct encouragements, without instigation from the Government, there exists in the flocks of the Church such a spirit of initiative, such a vivacity of religious sentiment, as to cause them to resume those rights, which in other times the laity so highly prized" (p. 21).

36. We believe that Italy would fall into a grave error were she to force upon her Government a policy of interference in religious affairs. But what may be fairly expected of it is that, as it surrenders its inherited powers, it shall proceed on some orderly and well-considered plan, which shall restore them to those to whom they properly belong, instead of leaving them to be engulfed in the devouring maw of the agents of the Popedom. This, it is plain from the ministerial statement, has not yet been accomplished. Fifty-six Bishops have in four years been allowed to enter on the government of their dioceses without any but a Papal title, and without taking the smallest notice either of State, clergy, or people. Sixty-six more have demanded the *Exequatur*, or allowed it to be demanded for them, but with such non-fulfilment of conditions singularly easy, that it could not be given: and these sixty-six also, as far as appears, have been allowed to assume, at the Pope's bidding, their place and functions. Only now do we begin to hear that the Government begins in certain cases, as that of Palermo, to assert its rights, by withholding or reclaiming the episcopal residences. But what has been in itself most startling, as it is also most difficult to understand, is, that bishops who had not obtained, nor even asked, the royal *Exequatur*, have been allowed to nominate parish priests, to these priest-nominees the *Placet* has been given, and they have been allowed to take possession wholesale of the benefices. In other cases, vicars with public salaries are allowed to assume the vacant cures. If, as is somewhere stated, the motive of this lax policy has been a dread lest the country should be denuded of pastors and of religious worship, it is obvious to answer that no such consequence could have followed if the Government had exacted, as a condition of taking

the benefice, that there should be in every case some evidence exhibiting, in however mild a form, the assent of the people to the appointment.

37. Under these circumstances, the people in certain cases have determined that the cup of Papal assumption and aggression should not thus overflow without their making an effort to right themselves: a determination which we hope, together with the orderly and courageous action which has followed it, will serve to bring home to the English mind a fact of which it has been hitherto wholly unaware, namely, that the inhabitants of a large portion at least of Italy have many claims to rank with the most highly and effectually civilised of Europeans.

38. Until recently, the see of Mantua had the fortune to be occupied by a Bishop of moderate sentiments. On a vacancy at his death, the Court of Rome, acting on its new invariable policy, filled the office with a thorough-paced Vaticanist. Monsignor Rota has not obtained, or even asked, the *Exequatur*, but claims nevertheless all the rights and powers attaching to the appointment. In this state of things, the parish of San Giovanni del Dosso became vacant. It was a benefice in the gift of the Bishop, of course presuming him to be regularly appointed to his see. Anticipating the arrival of a pastor after the Vatican's own heart, the people met in the presence of a notary, and, in a manner perfectly orderly, elected for their priest a clergyman named Don Lonardi, in whom they thought they had reason to place confidence. They also chose for his assistant a certain Don Coelli. They do not appear to have desired or contemplated anything in the nature of religious change.

39. Italy is divided into elective communes, and every commune has a Sindaco, chosen by the Government from

among its members, at its head. The parish is in that country an ecclesiastical, but not a civil, unit; and relations with the State are conducted through the commune. These communes, in the Northern and the greater portion of Italy, are very ancient institutions; and the habits of local self-government, inherited from a long series of generations, have without doubt had a large share in endowing the people of that country with a capacity for organising their own government, and managing their affairs without creating any disquietude or apprehension among their neighbours, which has placed them, in this important respect, at the head of the Latin nations of Europe.

40. Through the *Fabbriceria*, or Fabric-Vestry, of the parish, the choice of Don Lonardi at San Giovanni was made known to the Syndic of the commune, which is called Quistello, by the transmission of the *atto di nomina*, together with a letter, which charges upon the Bishop a breach of his word, and sets forth very ingenuously that only after months of correspondence they had thus proceeded to right themselves. They proceed to state that now especially, under the action of the Vatican decree, the inferior clergy had sunk to a position entirely new (Letter, p. 6) in ecclesiastical history, and could not exercise any freedom of thought, even in civil matters, except at the peril of losing their daily bread. To men so enslaved, they declare that they cannot give their confidence or open their minds; nor can they entrust to such men (p. 7) the spiritual care of their wives, actual or betrothed. Such a system would overturn their faith, and make worship odious to the community. They think that a remedy will be found in restoring to the people the choice of their pastor, so that he may no longer be

dependent upon the Bishop at any rate for his means of support, and may moreover have some bonds of attachment to the parishioners, and to the State. But all they ask is the exercise of the civil right, and they would protest against any invasion of the Bishop's title to ordain and to institute (p. 10). Their desires are to return to the primitive discipline of the Church, and to separate effectually the lay from the ecclesiastical power—(pp. 11, 12).

41. Partly from information they have collected, and partly from other information which their proceedings have brought to light, it has been found that in various parts of Italy there is a considerable sprinkling of parishes, where popular election of the clergyman already prevails. Sometimes it is direct, as in the cases of Schivenoglia, Corregioli, Quatrelle, and Birbesi. Sometimes the power is exercised on their behalf by the elective body of the commune, as in Pozzuolo and Rolo. All these are in the neighbourhood: and they mention the very singular fact, that the priest of San Giovanni has a concurrent vote with the parishioners of Schivenoglia in choosing the priest of that parish. In the district of Trent, this principle of election prevails (pp. 13–15). Nor are examples wanting of it farther south. In the lovely peninsula of Sorrento, it is thus that the vacancies of many churches are supplied.

42. The following is an account obtained from an authentic source:—

"In the parishes of Meta, Carrotto, Trinità, and Mortora, the procedure is as follows:—

"On the death of the priest, the archbishop puts a curate in charge, until a new priest is chosen. Within six months, the archbishop affixes to the church door, on a Sunday, a notice that on

the following Sunday, at 10 A.M., the episcopal vicar appointed by him will arrive at the parish church to collect the votes of the parishioners of the age of twenty-one years complete.

"On the appointed Sunday, the vicar and his secretary take their places on the high altar (*seduti sull' altare maggiore*), with a table before them. He calls the people (*i filiani*)* assembled in the church one by one, and inquires in a low tone, 'Whom do you wish for your parish priest?' The answer is (suppose) 'Tizio.' Thereupon, always in an undertone, he repeats to his secretary, 'Tizio.' He calls another, and puts the same question. The answer is (say), 'Sempronio.' The vicar repeats this name to his secretary, who notes down the votes given to each candidate. When the voting is over, the vicar and his secretary sum up the numbers; after which the vicar rises and says, in the presence of the people: 'Tizio has obtained seventy votes; Sempronio has twenty-five; Caio nineteen. The election is now closed.'"

43. The list is then carried to the Archbishop: and, if Tizio is deemed fit for the appointment in point of learning, capacity, good conduct, and morality, the Archbishop issues to him the Bull of investiture, and after a few days, again within the parish church, the vicar inducts him. If the Archbishop judges Tizio to be unfit, he takes the next on the list; and so the parish priest is appointed.

After stating another case where secret voting prevails, and an attempt to introduce it in Mortora, which was stopped by the majority as an innovation, the account we have quoted gives the gratifying information that, although the canon law authorises the Archbishop to choose the most worthy of the candidates, in no case has he found reason to do otherwise than institute the person who had received the majority of votes.

* The word *filiani*, we presume, is local and technical. It is not found in the admirable *Tramater* Dictionary, published at Naples in 1834.

44. Other instances are before us; such as that of the Church of San Silvestro at Collebrincione, where the Bishop apparently went, on a recent occasion, beyond his rights in proposing to the people a certain Massetti; and they, offended at his interference, elected another person, who, however, was less highly qualified. The Bishop hereupon refused institution; and only after a considerable time the people became convinced that Massetti was the better man, when they chose him themselves, and unanimously. In Santa Maria del Guasto, the members of the University of Aquila, according to a deed of A.D. 1520, appear to exercise the right of election on behalf of themselves and of the people, probably by an encroachment which, through their superior organisation, they may at some time have effected on a more primitive right. We observe with much pleasure that the exercise of this very serious function by the Italian people, in the south as well as the north, is exercised with gravity, order, and moderation. From their example the ratepayers of English parishes have much to learn.

Thus the principle of popular election subsists peacefully, and from an immemorial tradition, in Italy, by the side of the more prevailing but more modern system of nomination: so that, when brought into discussion, it does not grate as a novelty upon the mind of a country, in which the conservative instinct is of no small strength.

45. In November of the same year, 1873, which had witnessed the bold proceeding at San Giovanni del Dosso, the parish of Frassino followed the example, and with a careful observance of similar forms, in the presence of the notary Bertolini of Mantua, elected for their parish priest Don Luigi Ferrabò. The votes in his favour were 203, in a parish with a population of less than 1,200; and they

were unanimous. The letter of their *Fabbriceria* states their case to the *Sindaco* of San Giorgio di Mantova. It points out with some force that election has now been adopted as the main regulator of the operations of civil society (p. 13); and that, if the Government be disposed to view the application of this principle to the arrangements of the Church with favour, they have only to make over the right of election to the people in those parishes which are in the gift of the Crown (p. 11). They again were followed by Paludano, which, in the month of March 1874, elected Don Paolo Orioli. The several letters to the syndics have it for their object to obtain the sanction of the Government, with a view to the admission of the priest elect to the parsonage, and to other temporalities. They are written in a tone indicative of more or less misgiving as to the probable attitude of the Ministry; which any of those who may hereafter walk in their steps will not, we hope, have any occasion to repeat.

46. We learn that when Baron Ricasoli took the helm in 1861, after the deplorable loss which Italy had suffered by the death of the great Cavour, in drawing the outline of his ecclesiastical policy, he spoke as follows.

"We intend going to Rome, not to destroy, but to construct; to offer the opportunity, to open the way, for the Church to reform herself; to grant her the liberty and the independence which may supply both the means and the incentive for self-renovation in that purity of the religious sentiment, in the simplicity of life, and strictness of discipline, which with so much honour and credit to the Popedom made its early history glorious and venerable."

47. From the excellent speeches of Guerrieri-Gonzaga, Villari, and Tommasi-Crudeli, lately delivered in the Italian Chamber, we learn how, under the pressure,

perhaps, of urgent political anxieties, this outline has for a time failed to be filled up: and how formidable the results were likely to become. Villari, the author of a work on Savonarola, which has for the first time given to that remarkable man his *assiette* in history, says (p. 13): "Permit me to tell you, the thought which more than any other makes me fear for the future is, that we are now engaged in training a nation to consist of Voltairians and of clericals." "Never," says Tommasi-Crudeli, "did Cavour suppose that the liberty which he promised was to be given only to a faction in the Roman Church" (p. 4), which always screams "for liberty in Protestant countries and stands fast for monopoly and exclusion in those which are Roman Catholic." We have in Italy, in matter of religion, as he well explains, "not one thing but two: the Roman Curia and the Catholic Church. The first is a political institution, enslaved to the Jesuits, and sworn to make war upon modern civilisation. The other is a flock of human beings associated, with more or less of personal conviction or adhesion, in a religion which by no means requires them to be anti-national." He vigorously contrasts the jealous repression of the Red International by Italian law with the profuse liberties of mischief accorded to a sect or conspiracy of far closer organisation, and armed with weapons of a far higher temper. For Italy, he thinks this prodigality has been a piece of gross folly: but as against the Italian Catholic clergy, it has been, he conceives, the consecration of a tyranny without example. Yet that clergy, as he states, and we believe with much truth, was once largely imbued with patriotic feelings, and ought not now to be given over to the oppressor. Some nine thousand of them, it may be remembered, had, under the auspices

of Passaglia, declared against the Temporal Power of the Popedom, years before its actual abolition. There was indeed, according to this speaker, a scheme in 1865 for placing the administration of the ecclesiastical patrimony under the management of diocesan and parochial committees, wholly independent of the Court of Rome; but no step has been as yet taken towards their establishment.

48. The Pope covers all Italy with Vaticanist Bishops, and the Bishops in their turn fill the parishes with Vaticanist priests; and the freedom, which was intended to be given to the Church, has been conferred only on the Court of Rome for the enslavement of the Church, from lack of a right disposition to distinguish between the two, and under the false and mischievous belief that religion is an effete and superannuated thing, which has no longer the power to affect society for good or for evil.

"Priests, whose patriotism had up to a certain point been proof against retrograde suggestions, and against the resentment excited by the suppression of the ecclesiastical corporations, alarmed and irritated at this undeserved desertion, now pass over in troops to the camp of the enemy. Every day lessens the number of a remainder who, as being braver or more conscientious, take refuge in a passive silence; and, if matters continue to go thus, it is easy to foresee that, after some few years, when all the present generation of clergy shall be extinct, and with it extinct also the memory of the sorrows and the joys that priests and laymen had in common when we were trying to make for ourselves a country, the whole religious administration of Italy will be in the hands of men trained to hate and contemn their own land, and driven by a centralised and irresistible authority, to instil this hatred and contempt into the rising generation of Italians."*

49. To the same effect, the Marquis Anselmo Guerrieri-Gonzaga argued this case in a speech, which serves to

* 'Speech of Tommasi-Crudeli,' p. 13.

show how completely and effectually the Italians have imbibed the spirit, and possess the power, of true parliamentary debate. He was able to speak from experience of the state of affairs in the dioceses of Pavia and Mantua, where this distinguished family, and especially the Marquis Carlo Guerrieri-Gonzaga, have been able to give valuable countenance and support to the courageous rural communities, whose proceedings we have narrated.

50. It was hardly to be expected that their election of parish priests, which were undoubtedly in one sense aggressive, should pass unchallenged. The Bishop of Mantua had nominated another priest, Don Antonio Prati, to San Giovanni del Dosso; and he, together with a dissenting minority in the parish, brought an action, before the Civil and Correctional Court of Mantua, against Don Lonardi. This minority purported to consist of 47 persons, against the 207 supporters of Lonardi. But it is stated that they were all dependents of two proprietors belonging to the Papal party, and that the real instigator was the Marquis Annibale Cavriani, a well-known clerical partisan.* When, in the course of the proceedings, it was objected that some of these 47 were not parishioners, their counsel replied that it did not matter; it was enough if some, or one, were. Two, according to the Judge, and two only, were real parishioners of San Giovanni.

51. The object of the action was to oust Don Lonardi, with Don Coelli, from the parsonage, and to deprive him of the use of the church, and of the stipend assigned to him by the Government out of the temporalities of the parish. The arguments, reported in the *Opinione* of June 25, are full of interest, but it will be enough if we cite,

* 'I Parroci Eletti,' pp. 43, 44.

from the *Diritto* of the 5th of July, the substance of the able Judgment given in the case.

52. The canonical regularity of Don Lonardi's position, of course, could not be affirmed. He had, indeed, received a formal induction, as the Judge tells us in his luminous exposition on March 15, 1874, from the archpriest of Cavriana; but this was while the bishop's nominee, Prati, was still a claimant of the benefice. Together with the priests Lonardi and Coelli, was sued a public officer, entitled the Sub-steward of vacant benefices; but he pleaded by counsel, that the parties had no *locus standi* against him. Lonardi had been subjected to something in the nature of a competitive examination by the bishop, in which he was worsted; and this, among other points, is urged on the side of the prosecution. Not, if we understand rightly, as implying a want of clerical character or qualifications (indeed he had been appointed by the bishop to administer the parish during the vacancy), but on the ground that the other was the better and the lawfully entitled candidate.

53. The Court, first of all, declared its own competency, under the law of Guarantees, to determine the juridical effect of ecclesiastical acts. It finds in the first clause of the *Statuto*, or Constitutional Act, that the Roman Catholic religion is the religion of the State, but that all are entitled to have the observances of religion according to their consciences. This principle of freedom has been provided for by the Siccardi law, the law of Civil Matrimony, and the law of Guarantees. And from this principle, as the Court conceives, it follows that the parishioners of San Giovanni were entitled to meet and choose Don Lonardi to be their spiritual pastor. This right, however, does not of itself imply possession of the

church: and moreover the minority may, if they please, take Don Prati for their priest by the same right and title, as empowered the majority to choose Don Lonardi. Neither of them will, in the estimation of the law, derive a title from the canons; each will be simply the minister of religion to those who may choose, or may have chosen him. The demand of the prosecutors, that Don Lonardi be interdicted from all spiritual functions within the parish, is reproved as well as repelled.

54. Addressing himself next to the question of the Fabric, the judge finds there is no legal title to it in any one person or body. But it has been from time immemorial available by law for the use of the parishioners; and by the *Civil Code* (Art. 432), it is appropriated, and belongs to the commune, not to the Church Universal. All property of this kind remains at the disposition of the Communal Council, not of the Pope. And this Council can only be represented by its head, the Syndic; individual parishioners cannot interfere unless in certain ways. These are exceptionally pointed out by the law, and none of them are here in question. Holding the church under the sanction of this authority, Don Lonardi cannot be molested in his use of it. The effect of these conclusions covers the case of the coadjutor, Coelli, who had a like elective title.

55. There remains the question of the parsonage, which is part of the emoluments of the benefice. These emoluments have not been conferred in block by the civil power, which is alone entitled, upon either claimant. But the sub-stewardship (*sub-economato*) of vacant benefices allows to Don Lonardi the occupation of the residence; and it is not in any way responsible to the prosecutors, and ought not to have been included in this action.

56. We are not able even to conjecture whether this remarkable Judgment will be sustained upon appeal; for there appears to be some degree of conflict between the article of the *Statuto*, which declares the Roman Catholic religion to be the religion of the State, and the principle of freedom of conscience as it is interpreted by the Court; to say nothing of the severance of the Church from the State, which is the basis of the law of Guarantees. But the first of these is for Italy only a dead formula of the past, while the second is the declared and energising rule of prospective policy. There can be little doubt that, when the promised and expected plan of settlement is adopted by the Chambers, it must be founded in substance on the principles proclaimed at Mantua, and the union of an Italian parish with the Roman See will then have to depend only upon voluntary ties.

57. It seems difficult to overrate the importance of the results to which the action of these poor and hardy villagers may thus be found to lead. The attitude of the popular mind in Italy has, indeed, no bias towards religious innovation; perhaps we ought to say, it has never become very sensible of the need of religious improvement and reform. But, while contented with the tenets and usages of the Latin Church, taught and administered by such a clergy as they have usually had to do with, the people of Italy appear to have arrived at a state of marked indifference with regard to Papal and episcopal proceedings; and where they know the Bishop to be anti-national, they seem quite prepared to dispense with his aid in the government of their religious concerns. Determined to part neither with their religion nor with their patriotism, they think the lack of canonical institution for their priest a lighter loss. But this state of things

should, perhaps, be regarded as only provisional. Either the Court of Rome must, probably under a new Pontiff, relax the rigour of its Ultramontanism, and tolerate a race of priests who can live in harmony with the people, or else, if the parishes are left free to continue under Papal jurisdiction, or to decline it at their will, we must prepare to see great organic changes in the government of the Church of Italy. It is probable that such changes in the government of the Church would at some stage be followed by reforms, possibly by something more than reforms, in discipline, nay even in doctrine.

58. These, however, are for the present subjects only of remote and doubtful conjecture. For ourselves, we have no love for fiery agitation in matter of religion, and we would still hope that wise and moderate counsels may avert a dangerous crisis. What we contemplate with deep interest and cordial sympathy is the stout and manful resistance of a handful of Christian flocks to a system of despotism, springing from the Roman Court, and forced upon the Italian priesthood, a system which makes deadly war upon freedom in every shape, not only upon political and civil, but upon personal, inward, intellectual, and moral freedom. If, in the ecclesiastical atmosphere of Italy, the air of heaven is to be breathed without restraint; if, without ceasing to be Christians, men are to remain men and patriots; if the circle of family life is to be independent, if the sanctuary of the private conscience is to be saved from the trampling of the hosts of the Curia, Italy will owe some part of its debt in respect of these great blessings to the humble communities of San Giovanni, of Frassino, and of Paludano.

59. We learn, indeed, with sincere regret that General Garibaldi has expressed a disinclination to the election

of priests by the people, on the ground that it will tend to strengthen the hold of the Church upon the country. There cannot be a more conclusive proof of the deplorable working of the Papal and Curial policy than that it should have thrown a man of his virtuous and disinterested character into an attitude of such violent and undiscriminating opposition. But his authority in questions of this class is not what might be supposed.

60. Our Scottish readers of the Free Kirk will be apt to compare San Giovanni with Auchterarder. "Behold, how great a matter a little fire kindleth!"* Amid strong dissimilarities of circumstance, both exhibited a spectacle, edifying in itself, and valuable to a worldly and wealth-worshipping age—the spectacle of a struggle on behalf of the human conscience against the aggression of superior power; and it is remarkable that in neither case was there any uneasiness under the doctrine or the discipline of the respective religious systems. In each, alike, the object was to vindicate what was conceived to be the true and original safeguard of their scheme of government, and to establish the maxim that the people form at least an element in the constitution of the Church. In the case of Auchterarder, where the beacon-light of the Free Church was first kindled, not only did the early formation of a large, vigorous, and highly organised body ensue, but that body, together with its predecessors of the original Secession, has obtained a moral triumph unparalleled in history, through the adoption, by the Legislature of 1874, of an Act which introduces in its full breadth into the National Establishment of Scotland all that the old

* St. James, iii. 5.

Seceders asked, and more than would have contented the men of Auchterarder.*

61. We fear it is not likely that the Court of Rome will reverse its policy, or, in homely phrase, eat its words, as completely as the Scotch Establishment has been content, and even keen, to eat its words. What we may hope, but must by no means assume, is that, for the sake of avoiding more profound organic changes, she will stoop to tolerate the existence in the Italian Church of moderate views, and will no longer, by forbidding the Christian to be a patriot, prevent the patriot (as far as in her lies) from being a Christian. But of this we are certain, that she will not, such is the strength of the evil spirit that seems to possess her, be brought into this better and milder mood except under vigorous pressure. The experience of a few years will show whether that pressure is likely to be effectually applied.

62. Undoubtedly the Court of Rome, and its party, have evoked a kind and amount of religious resistance to its extravagant claims, since the Council of 1870, such as had had no example since the Reformation in the sixteenth century. We speak of resistance simply religious, and not of those conflicts with numerous Christian States, which it has so wantonly provoked. Germany and Switzerland are the two countries, in which this resistance is most conspicuous; and in the first of these two, it is by far the most important, resting as it does on the double basis of a considerable popular adhesion, and of a

* We are aware that, as has been shown by Sir Henry Moncrieff ('The Identity of the Free Church Claim,' Edinburgh, 1875), the ground widened in the course of the Free Church controversy, and it came to embrace other claims, which are not affected by the Act of 1874.

strong learned and historic force, rooted in more than one of the Universities of the land. Until recently it seemed as if the corrosion of indifferentism in the higher circles would in Italy, as it has done in France, preclude the possibility of any extended movement. But there has been a shifting of circumstances and figures, which seems now to give a different complexion to the scene. Nor is it any one symptom taken alone, but the concurrence and convergence of many, which appears to warrant the hope that in one shape or another a stroke will be struck in that country for the cause of freedom and of truth.

63. For ourselves, we do not doubt as to the shape which the effect is likely, at all events in its first stage, to assume. We believe that it will be that which has been indicated by the village communities of the Mantovano: an effort to repel the *prepotenza*, the outrageous excess of sacerdotal despotism, and to establish the principle that the Christian community has something to say to the management of its own religious affairs. *What* it means to say and will say, we cannot fully know, until the principle itself has obtained adequate recognition and allowance. It certainly need not assume a revolutionary character: for it is well established in the East, where the conservative idea has run even perhaps into extremes, but where considerable scope is notwithstanding allowed in ecclesiastical matters to the popular element. The union of Italy in one and the same Church, and the unlikelihood of any considerable secession from that Church, unless under extreme circumstances, greatly favour any reasonable design for fixing on this basis some new regulation of ecclesiastical affairs. On account of the principle they involve, an imitation elsewhere of the proceedings of the three village communities would be of all others

the best and most healthful sign. We do not mean that the popular election of the parochial clergy is a panacea for all ills, nor necessarily, that, that measure, in the exact Mantuan fashion of it, is marked out for ultimate and universal adoption; but that it is the only and the effectual form under which, according to present appearance, resistance can be offered by the disarmed community of the lower clergy, and by the laity, to an oppressive and paralysing despotism.

64. The same journal, which contained the sentence of the Mantuan court, contained also intelligence of a case which had just occurred at a considerable distance, in the district of Friuli. The priest of Pignano, near Cividale, having been removed by the Archiepiscopal Court of Udine, the parish became vacant. The inhabitants invited a clergyman named Vogrig, who had been suspended from the performance of Church offices (*à divinis*) several years back as a liberal Catholic, to assume the charge. Accepting the invitation, he made his entry into the place on a Sunday about the beginning of July, amidst a great concourse of people, and proceeded to celebrate the mass. The Prefect of Udine was asked by the Papal party to interfere; but replied that his sole duty was to look to public order. In this view he sent a handful of *carabinieri* to the place, whose active services do not appear to have been called for. An early future, as vacancies in parishes from time to time occur, will test the popular feeling in regard to movements of this description.

65. But there are other features discernible in the present state of Italy, which cannot be omitted from an outline such as we are endeavouring to present to view. It is not merely the changes, which have taken place in

that country, have made an opening for the activity of Protestant propagandism, and that its promoters have been sanguine in their statements of results. We see, indeed, no present reason to anticipate any appreciable amount of permanent effect from these operations.

66. In Naples, again, there has emerged from the prevailing irritation a body, which assumes the title of the National Italian Catholic Church, and the proceedings of which require some notice. It stands in a certain relationship to a journal which, since the year 1861, has availed itself of the concession of freedom to the Press, under the title (in our tongue) of 'The Catholic Emancipator, and journal of the Italian Priesthood's National Society for emancipation and mutual help.' It has published a *Statuto Dogmatico-Organico-Disciplinare*, which purports to have been adopted by its members in General Assembly, and which is reputed to have been drawn by the Cavaliere Prota Giurleo, a presit stated to be very competent in learning. The *Statuto* acknowledges the authority of Divine Revelation, and of the Universal Catholic Church, and adheres to the Episcopal government, the theory of which, however, it expounds in terms so low as to weaken, if not to efface, its essential distinction from Presbytery. "The bishop is no more than the first among brethren, all equals in the priesthood" (Art. 25). With this exception, the document may be said to eschew organic change, and to set forth only moderate reforms. But there is a remarkable contrast between this *modus operandi*, and that of the *Alt-Katholiken* of Germany. The Germans have resolutely taken time to consider their course, before launching a scheme of reformation; whereas, this section of Italians have aspired as a religious community, to spring full-grown and full-armed into life,

like Pallas from the head of Zeus. A form of oath is appended to the *Statuto*, which, in terms (we should have thought) rather too precise, sets forth the promise to maintain it.

67. The preparation of this document was followed up by the election of Monsignor Domenico Panelli as the first bishop. He bears the title of "Catholic Archbishop of Lydda," and a short memoir of his life has been printed in the *Emancipatore Cattolico*, No. 15, of the present year. He is here certified by "Monsignor *Benjamino Evsevidis, Arcivescovo di Neapoli*," to have been consecrated archbishop by him, and an assistant prelate, in the year 1869, at Constantinople. The name of "*Benjaminus Eusebides Dimitrio, Neapoleos, rit. Græc.*" appears in the authentic list of the signatures to the Acts of the Vatican Council, among the Archbishops.* Monsignor Panelli himself was, so says the narrative, summoned to Rome in 1863 with flattering promises; but on his arrival he was arrested by order of the Inquisition, and, in March of the following year, condemned to imprisonment for life, upon the charge of having procured ordination and consecration according to the forms of the Eastern Church, but really for opinions favourable to Italian nationality. In 1869, he effected his escape, and the narrative closes somewhat oddly with the statement, not only that he was once more invited to Rome by the Pope in 1872, but that he acted upon the invitation, and received there the Pontifical benediction. However, on the 16th of May 1875,† the *Statuto* to which we have referred was solemnly inaugurated in his chapel at Naples, when he swore to it in the presence of

* 'Acta et Decreta,' Romæ 1872, p. 102.
† 'Emancipatore Cattolico,' May 22, 1875, No. 15.

those assembled. About two hundred names, belonging to various ranks and professions of society, are subscribed to the record of the meeting. But it is stated upon authority that the number of persons who had participated in his election on May 2 was no less than 2532. Since that date another episcopal election seems to have taken place in the new communion: the name of the dignitary thus chosen is Trabucco.*

68. Our general information respecting the body thus organised, and respecting the society of priests from whose bosom it appears to have sprung, is not sufficient to warrant our giving an immediate opinion on the question whether the schism is one of serious importance. But we understand that at this early date Archbishop Panelli is at issue with the framer of the *Statuto;* and it would be at the very least premature to treat the movement as a sister to that of the German Catholics.

69. It may, however, be observed with justice upon all which we have thus far detailed, that no broad conclusion can be drawn from manifestations which, if taken at the best, are no more than partial or local. But the very remarkable document of which we have already made a passing mention, by which nine thousand Italian priests virtually testified their opposition to Ultramontanism, cannot be placed in the same category. It is probable, indeed, that of late years the patriotic section of the clergy may have dwindled under the action of the great powers of patronage, as well as of pressure, wielded by Rome and those who are the tools of Rome. Still there remains enough to warrant a pretty confident belief in the existence, among the clergy, of a somewhat wide-

* 'Emancipatore Cattolico,' No. 20, June 5, 1875.

spread sentiment adverse to despotism in the Church. Unless we have been much deceived in the tidings which reach us, this sentiment is represented in the clergy of Rome itself by persons who are alike able and disposed to make their voices heard when the proper time arrives, and whose voices when heard will be respected.

70. Some men indeed there are, in all times, who are always waiting for a proper time that never comes: men who either beguile themselves with the idea that they have manhood and resolution equal to acting in great crises, when they have none, or who at best wait upon the chapter of accidents, and find their subsistence in the hope of crumbs which now and then may fall from fortune's table. We must not hastily conclude that these men are such. It is a serious matter to break away, even in the best cause, from the constituted organisation of the Church: though this is the destiny that, in the sharper passages of ecclesiastical history, has oftentimes fallen to the lot of her Fathers, her Saints, and her Heroes. But the wise man will not embark his hopes in a scheme of rupture, while he can reasonably place them elsewhere. The disastrous changes of religion, which the present generation has witnessed, are especially associated with the personality of the reigning Pope: and, though his old age be still a green old age, it is not unreasonable that Roman clergymen should look forward to the epoch of his demise as that which is likely to set its mark, once for all, upon the time, and to determine the triumph or decline of the principles and policy of Vaticanism in the Latin communion. This their last hope, we are told, they fondly refuse to abandon.

71. However obstinately the Ultramontane party is set upon the restoration by foreign arms of the Temporal

Power, it is a fact worthy of notice that Padre Curci,* a prominent Jesuit, and for some thirty years or more a well-known champion of the Papacy, has been permitted to put forth a recommendation that peace, or a *modus vivendi*, should be established with the Italian Kingdom. On the other hand, the purpose of Italy is fixed and irrevocable; and her unity, power, and life as a nation are staked on the maintenance of her hold on the city which forms her traditional and historic centre. We are among those, who believe that she may yet have to put forth all her strength in self-defence for this purpose, and that the conflict may for a time be grave. Of the ultimate result, however, it seems impossible to doubt. The clerical government of Rome had every vice under the sun. In principle indefensible, in practice both materially and morally bad, and at the same time incurably impotent, its acceptance would imply so complete a departure from all the tendencies and convictions of the age, that we might as readily expect to see the Pope anathematise Hildebrand or canonise John Knox, as to witness its effectual re-establishment. Among the assured facts of the future, we must reckon the eventual abandonment, by all but hopeless and exceptional fanatics, of the temporal dominion of the Church.

72. It is a subtle and a doubtful question, what may be the result upon its spiritual position. If we regard the Papal system as a religion only, there is no reason why it should be a loser by the change. In these days, the concurrence of secular authority adds little weight to religious

* See his 'Ragione dell' Opera,' Roma, Bencini, 1874, and the comments on it in the official reply to M. Dupanloup's attack, entitled 'Les Lois ecclésiastiques de l'Italie,' pp. 73–5.

appeals; and that little seems from year to year rather to diminish than to grow. The Oriental Church has a hold on its adherents, and a promise of permanence, at least as trustworthy and strong, as the Roman system ever has enjoyed; but it has never possessed any temporal dominion. But then the Roman scheme has habitually included for so many centuries the unrestrained use of secular and even coercive instruments for the maintenance of spiritual power, that this bad custom has become to it almost as a second nature. We do not now speak of the uniform tendency of the Roman Church towards the limitation of civil liberty in all states where it has the advantage of a majority. We speak of the actual exercise, down to the latest hour of temporal dominion, by the Court of Rome, of coercive power over bishops and clergymen within the dominions of the Pope. The method was to summon them to Rome upon their spiritual allegiance; and, having got them bodily there, to apply to them whatever measure of restraint, up to the very highest, might be deemed best for the purpose of repression. The reader will have observed Monsignor Panelli's description of his own case; and it is in some ways sustained from other sources. But there is no need of illustration by individual instances; the practice was well known, nor are we aware that the intervention of foreign sovereigns on behalf of their subjects ever was available to pierce into the dark chambers of clerical administration, if indeed such aid ever was invoked. No doubt the possession of a territorial sovereignty, though limited, as was that of the Supreme Pontiff, was an essential condition of the use of coercion in this form, and there are persons of competent authority, whose judgment is not only that the loss of the temporal

power will be felt, but that it will tell very sensibly, in weakening the means of ecclesiastical government over the clerical order. To laymen, the system had in modern times little or no application.

73. We have spoken of particular manifestations in Italy; and we have spoken also of the state of feeling which has prevailed among the Italian clergy, many of whom long maintained in harmony their love of country and their attachment to religion, with very little encouragement from their lay brethren. But it is in the lay quarter that we have had the most recent and cheering signs of a beneficial change. A group or nucleus of distinguished men has formed itself in Italy, and within the circle of its Parliamentary and active life, who appear to have grasped this fundamental truth, that religion, whatever be its source or ground, is an element of power with which States and statesmen must lay their account in the future, instead of contemplating it only as an ornament, or a curiosity, fit for the museums of the past. Through, and behind, and beneath the dense medium of the Roman Court, its worldly tactics, its subtle, constant, and enslaving pressure, they see the religion of the country; that power which chastens and trains the heart, which consolidates society, which everywhere replaces force with love; our guide in life, our stay and our illumination in the dark precincts of the grave. It will not do, as is now more and more felt, to leave all the mass of human action, experience, and discipline towards good, which is expressed in these ideas, to be trodden down by the banded foes both of national and of personal freedom.

74. This wise and sound conviction has prompted the sympathies, with which the courageous action of the Mantuan parishes has been cheered. It has produced the

work entitled *Otto Mesi in Roma*,* which records with historic fidelity the disastrous proceedings of the Council of 1870 ; and which describes, from the Christian point of view, the antichristian action of Vaticanism on the minds and lives of men† with a power and sagacity worthy of the best days of Italian thought. It has also led, during the session of the present year, to a lengthened and profoundly interesting debate in the Chamber, on the motion of Signor Mancini. This discussion had for its object to put aside the policy of indifferentism, and to encourage, perhaps even to oblige, the Government to allow the clergy and laity of the Italian Church to make use of their proper and constitutional means of self-defence, against an overbearing tyranny in the Church.

75. The real tendency of the debate was perhaps best exhibited by an amendment proposed by Marquis Anselm Guerrieri, in a sense friendly to the Government. It expressed the anxiety of the Chamber to turn to full account the rights reserved under the law of Guarantees, and invited the Government to proceed promptly in framing the measures needed to give them full effect. There is, we are confidently assured, much reason to believe, as well as to desire, that, when these measures take their place upon the statute-book of Italy, they will be found to provide effectually against the prevailing oppression. The State may not assume the responsibility of a protective action, for which it recognises its own

* We are informed that an English translation of this volume will shortly appear. [A very interesting description of rural life in Southern Italy, as to religion, is given by Sig. Campanella, in the first volume of his recent autobiography. It gives a pleasing impression, and is honourable both to the clergy and the people.—W. E. G., 1878.]

† 'Febbrajo,' iii. pp. 133–152.

unfitness. But this need not impede its securing to the clergy and people the means of self-protection; so that Ultramontane bishops shall not be thrust upon the dioceses, nor shall flood the parishes with like-minded priests, to the prejudice of the interests, and in defiance of the wishes, of those whom it is their duty to feed in the green pastures, and to lead forth beside the waters of comfort.

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